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CONCERNING MANY THINGS

Concerning Many Things

By
HIS HONOUR
SIR EDWARD PARRY



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INTRODUCTORY

THE choice of a title for a book of essays is no easy task, since the best headlines have all been bespoke by our ancestors. I had a notion of lifting the title of a learned writer and calling my miscellany "Parry's Prolegomena," but it is too suggestive of indigestible scholarship for my homely writings, and contains a promise of conditions that would not be fulfilled.

The great Disraeli (not Beaconsfield) warns us that "it is too often with the Titles of Books, as with those painted representations exhibited by the Keepers of wild beasts, where in general the picture itself is made more striking and inviting to the eye than the inclosed animal is always found to be." Artemus Ward understood the philosophy of this, when, to clear his crowded tent that new-comers might enter, he stuck up a placard TO THE EGRESS, and the public flocked to see this interesting exhibit.

But it is a dangerous thing for an author to attempt to lure readers into his net by baiting his title page with false pretences. Ruskin roused just indignation in the minds of the "statesmen" of Westmorland who purchased his volume, "Notes on the Construction of Sheepfolds," only to find a volume of theological polemics.

Horne Tooke's "Diversions of Purley," which, to an

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eighteenth-century squire, must have suggested cock-fighting, coursing and the joys of the chase, was in truth and in fact a crabbed collection of grammatic criticism, and his title is to my mind an inexcusable attempt to mislead the public.

Not that I will deny that these essays of mine may be prolegomenous. A candid scholastic friend of mine once described some of my literary efforts as "mere prolegomenous babbling." I learned afterwards that he borrowed the phrase from Stevenson. I confess that I liked the sound of it. I am snobbish enough to be of the school of the Duchess and firmly believe in her great literary principle: "Take care of the sounds and the sense will take care of itself."

Moreover, if you analyse the words "prolegomenous babbling," they are not as offensive in meaning as they may have been in intention. Prolegomenous is merely a pompous scholastic synonym for prefatory, and just as my reading has been desultory, so my writing has been of necessity prefatory, merely opening a subject, as a junior opens the pleadings, leaving a heavier and more learned advocate to discourse on the issues raised at any length he pleases.

With submission, an essay should never degenerate into a treatise or dissertation. In my essay on Camber Castle I claim that its prolegomenity is really a virtue. It is a tempting subject to write a book about, with maps and pictures and State documents set out at length. I could give you, for instance, several full lists of the names of the garrison at different dates. But to whom would this

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information be serviceable? To write a book the size of a cheese about Camber Castle would be much easier than to write an essay about it. Much of the record copying could be done by hired labour, and in high literary circles this is the practice, and it is spoken of respectfully as "research." But does the world yearn for "The Compleat Camber"? I doubt it.

And when my scholarly critic used the word "babbling" he doubtless thought it expressed the lofty contempt he desired. It is not necessarily defamatory, though I agree that it is what the old lawyers would call "reflecting." But I mind it not. "To babble" is a verb used by high-brows to express disdain for a simplicity of sound and sense to which their ears are tone deaf. Babbling is a divine gift shared by the running brook and the little child. We have the poet's word for it that with the brook it goes on for ever. It is eternal. Few have the happiness to retain this gift after childhood, and those who do must expect to meet with the envy and malice of their less fortunate neighbours.

What is pleasanter on a sunny day than to sit listening to the babbling of a brook? It was a great thought of a great mind that one might find books in the running brooks. But as this was obviously impossible to pedants who had ceased to babble, or even to enjoy and comprehend the sound of babbling, their wants were charitably provided for by casting stones before them from which they might compile sermons, the dreariest of all discourses when reduced to print.

"Refreshment without Refreshers" would explain the

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idea of the book to the legal mind, for these essays are mere inclinations and concernments of my hours of idleness written for the fun of the thing. They relate to matters with which I have concerned myself in a desultory way, and therefore "Concerning Many Things" seems an appropriate and reasonably descriptive headline.

The habit of concerning myself about other people's affairs is, I suppose, hereditary and professional. The life of an advocate, or a judge of an inferior court, must naturally be a life of concernment, though not necessarily discernment. He must appear to concern himself about the matter in hand even if he does not clearly discern what it is all about.

"Concerned" has a technical and trade meaning in our Courts. Serjeant Davy—"Bull" Davy on the Western Circuit—could never deny himself a jest even at the expense of his client. He was defending a criminal against whom the prosecution had opened a very strong case :

"Who is concerned for the prisoner?" asked the Judge.

"My Lord," replied Davy, rising with grave solemnity, "I am concerned for him, and very much concerned, after what I have heard."

Having concerned myself about many affairs all my life, I find the habit remains. But I no longer delight in conferences with expansive attorneys about a client's business, but enjoy the peaceful conversation of authors, preferably deceased, whose books speak for themselves. As Dr. Johnson says, "that is the happiest conversation where there is no competition, no vanity." Even if I were convinced that I could ring up Dr. Johnson on the

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“occultiophone” I should still prefer to continue my lifelong conversations with the great man through that honest medium, James Boswell.

For *conversation* is not *talk*. When Boswell asked the Doctor if there had been good conversation at a dinner-party, his patron replied: “No, sir; we had *talk* enough but no *conversation*; there was nothing discussed.” This is true of another favourite character of mine at another dinner-party, the Walrus in “Through the Looking Glass.” It is obvious that when the Walrus said to his dull friend the Carpenter, “the time has come to talk of many things, of shoes—and ships—and sealing-wax—and cabbages—and kings,” he said it merely to impress his hearers with his learning. He never proceeds to talk of them, much less concerning them, and does not even choose one of them as a topic for an after-dinner speech.

Had Dr. Johnson met the Walrus, I fear he would have said of him: “He was not an agreeable companion, for he talked always for fame.” The Walrus had many engaging qualities, but there is no evidence that he could talk of many things; as a conversationalist I fear he was an impostor.

But we know from Boswell that Johnson did in fact discuss learnedly all the subjects referred to by the Walrus. Perhaps the Walrus knew these to be the Doctor’s favourite topics. You will remember Johnson’s analysis of the comparative rank and precedence of shoemakers and authors and his comments on the specious argument of the shoemaker, “mankind could do better without your books than my shoes.”

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Dr. Johnson had as little use for ships as the Walrus himself, who would have laughed "like anything" had he ever heard the Johnsonian definition of a ship as "a jail with the chance of being drowned." That the Doctor should be entirely at one with the Walrus as to the suitability of cabbage as a topic of conversation, has interested me from an early age. Talking of vegetarian poetry, Johnson suggested "The Cabbage-garden" as a likely subject—"I think one could say a great deal about cabbage. The poem might begin with the advantages of civilized society over a rude state, exemplified by the Scotch, who had no cabbages till Oliver Cromwell's soldiers introduced them."

One could pursue this literary parallel much further, but it is sufficient for my purpose to show that both the Walrus and Johnson were in favour of discussing many things, only the latter insisted on the duty of seriously concerning yourself about them. And he would have approved of anyone concerning himself about miscellaneous literary things in his idle hours.

"Idleness is a disease," he says, "which must be combated; but I would not advise a rigid adherence to a particular plan of study." This has been my view from the earliest. It is one of the first principles of sound education, yet I never met a schoolmaster who understood it, and this lack of understanding in my pedagogues was the cause of much misunderstanding and even warfare between us. "I myself," continues the good Doctor, "have never persisted in any plan for two days together. A man ought to read just as inclination leads him; for

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what he reads as a task will do him little good." On another occasion he tells Boswell he "had better go into company than read a set task." All school-boys think just like that, and if they can escape into the outer world with some of that spirit still in them, they may continue to educate themselves for the rest of their lives.

I confess to have read more books unceremoniously, incompletely and in a desultory manner than most people, and I plead guilty to writing in an inclinatory prolegomenous style. I have long ago abandoned the Victorian contempt for the jack-of-all-trades and master of none. I admire the martyrdom of the expert who devotes his life to one special subject. But merely to know one thing thoroughly would not suit my constitution. I could not spend all my life attaining to a dynamic certainty as to the force of *kara* in composition, or studying the folklore and social consequences of the Rule in Shelley's Case, still less could I waste years in committing to memory the futile abracadabra by which Euclid sought to satisfy the world that his pictures represented the obvious.

The best schoolmasters, when they are out of school, understand the truth of all this, but, like priests, lawyers and departmentalists, they have to follow their traditions and precedents. Dr. Arnold, writing to a friend, says: "Adjust your proposed amount of reading to your time and inclination—this is perfectly free to any man; but whether the amount be large or small, let it be varied in its kind and widely varied. If I have a confident opinion on any point connected with the improvement of the human mind it is on this."

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I have had a confident opinion about it too, but my experience of thirty-three years in the County Court did not prove Dr. Arnold's statement that to devote time and inclination to reading is "free to any man." Mr. Justice Day used to read *The Times* on the Bench, and I remember a clever caricature of a wig and bits of whisker intermixed with a refractory newspaper which was entitled "An English Judge, or a Day behind the Times." But these judicial customs do not now remain, and hard-worked men are bound to do their reading and writing, if any, in a desultory and fragmentary way.

This habit has doubtless remained with me. I do not claim that my literary researches have produced any new ideas. My education as an advocate and a judge has probably made me immune from new ideas. No advocate claims to have a new idea, and as judges receive wisdom, if any, through the medium of advocacy, the *status in quo* of their thoughts remains unimpaired.

In all my long experience I never heard an advocate contend that his client was entitled to a verdict because he had discovered a new law that no one else ever thought of. On the contrary, the wise advocate hunts about in old books until he finds some ancient dictum that favours his client. If you fail in your search, then you may dress up a well-sounding proposition that has the appearance of real law and cast it gently over the judicial nose. Sometimes your quarry takes it freely, but on other days the same lure has no attraction. Angling and advocacy have much in common. Izaak Walton records that "I have known a very good fisher angle diligently five or six hours

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for a river carp and not have a bite." I have known the same thing happen to a persevering advocate in the Court of Appeal.

Having lived for half a century repeating and rearranging legal maxims of bygone ages and treating them as my own inclinations, I daresay I have acquired what the móderns call a complex which extends to literary matters. I can plead, however, that there is very good authority for following your inclination in the matter of books. To follow your bent in literary matters by no means implies that your critics will catch you bending.

But even if such disaster were to follow, it is a pleasant thought that no one can rob me of the hours of idleness that have passed pleasantly away in reading and writing "Concerning Many Things."

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CHAPTER I

CONCERNING A TENPENNY

This mournful truth is everywhere confess'd,
Slow rises worth by poverty depress'd.

DR. JOHNSON : *London.*

THE historian of the Civil Service in the nineteenth century will find in English literature three contemporary pictures of the Departments, the interiors copied with Dutch fidelity, the queer natives painted with all their warts. Dickens's "Little Dorrit" (1856) is known to all, Trollope's "The Three Clerks" (1858) is known to many, but Charles Marvin's "Our Public Offices" (1879) is not, perhaps, sufficiently known and topographically is the most interesting of the three.

A careful student desiring to understand what the Elder Statesmen thought the Civil Service ought to be, will diligently study the fairy tales of promised lands set out in Blue Books, and honestly wrestle with the political palaver in many volumes of "Hansard." When he has duly audited these accounts and found them incorrect, he will understand the historical value of the three volumes I mention, which describe faithfully what the Civil Service really was.

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But to be fair to our grandfathers, let us remember with gratitude and respect that there were in those days men who recognized that the Civil Service was in need of reform. They were under no delusions as to its inefficiency, the injustices it did to citizens, and the corrupt methods of patronage by which it was recruited. Mr. Gladstone's great speech at Blackheath to a crowd of dockyard hands in 1871 promised the country that all the barriers of jobbery and favouritism were to go, and that henceforth the Civil Service was to be open to all and the "property of the nation."

Simple people, who read or listen to words like these, are apt to think that some sort of reform is going to happen more or less at once. Gladstone's missionary oratory was unlike anything we hear to-day. It inspired ordinary citizens to believe that the Kingdom of Heaven was at hand. It seems probable that preachers and prophets of Gladstone's earnestness really believe that they can work these miracles in their lifetime, and that their own intensity of faith is transferred by their power of oratory to the hearts and minds of their hearers.

Of course, the scientist and the cynic will tell you that bureaucracy is the same to-day as it was in the days of the Pharaohs and the early Emperors of China. It is elemental and unalterable. They will prove to you that in Sumerian days the Civil Servants gambled in currency, stole the stamps off the old documents, and bullied defenceless citizens; and these habits, they will affirm, can only be altered, if at all, by a gradual evolution lasting through countless millions of years.

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Mr. Gladstone thought and taught otherwise, and Charles Marvin in the springtime of his career, unfortunately perhaps for himself, listened to his message and mistook it for gospel. There may be many to-day who only remember Marvin as a well-equipped writer on the affairs of Russia, India, and the East. But he had a bitter struggle against poverty in his early life and a strange experience of the Civil Service in 1876 that no social historian should neglect.

Marvin was born at Plumstead in Kent in 1854. At the age of fourteen he was working at a warehouse in Watling Street. At sixteen he left London to join his father, who was engaged in engineering work in Russia. He lived in Russia for six years and became a finished Russian linguist. He had, moreover, a good knowledge of French and German. He had travelled over 25,000 miles in Russia, visiting the important cities and centres of population, and during his last eighteen months had resided at St. Petersburg and acted as correspondent to *The Globe* in London.

An attack of ophthalmia necessitated his return to England. He seems at this period to have been out of touch with any existing relations or intimate friends, and had hoped to obtain work as a journalist or get a job in the City, where his knowledge of Russia and his capacity as a linguist ought to have insured him a welcome.

For five months he went in search of employment without success, and then in an evil day someone suggested to him that instead of living on his slender capital he should earn thirty shillings a week as a writer in the Civil Service.

The writings and speeches of public men in recent

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years had spread the delusion among the younger generation of the time that the Civil Service of the country was ready and willing to promote men of parts and merit. There was no doubt that Marvin was a victim to this delusion. It may be said that had he made inquiries he would have discovered that he was ineligible under the regulations for any important position, and the fact that he had ability and special knowledge was irrelevant to his purpose.

Marvin, it must be remembered, was only twenty-two, he had spent his youth in a foreign country and was even more ignorant than the average Englishman of the manners and customs of our departmentalists. In criticizing his conduct as a Civil Servant one must not forget the extenuating circumstances of his poverty, his youth, his ambition, and the stupid injustice of his treatment by the State system in which he found himself entangled.

On January 10, 1876, Charles Marvin having paid a five shilling fee to the Treasury, and filled up innumerable forms, provided medical certificates and testimonials, and having passed an examination that lasted four hours, became a full-fledged Civil Service Writer.

One would suppose that so honourable a designation as "Civil Service Writer" connoted at least clerical employment under decent conditions, but this was far from being the case. The State has always been a low-grade employer and behind the age in cultivating the amenities of industry.

Although Marvin was now part of the "property of the nation," he was only as such entitled to tenpence an hour

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by way of remuneration. He was known to the ranks above him as a "Tenpenny." These "Tenpennies" were temporary scriveners sent out to different offices as and when required. He was first sent down to the Custom House, which was situated at the fishy end of a Government building in Thames Street. He worked in a dirty, low-pitched room, with slimy ooze on the windows, in a frowsy atmosphere redolent of the odours of Billingsgate.

Ambition in youth is a wonderful mainspring, and Charles Marvin went to his desk full of enthusiastic intention to prove his value to an employer who was wholly indifferent to his existence. One by one his superior colleagues approached him with protests against his conduct. The work given him could have been finished in a day, but that was against all reason and precedent. He was soon convinced that if he worked above the normal pace the whole office would be in arms against him and he would do himself no good. He discovered that a number of seedy and more or less disreputable seniors conspired with subordinates and "Tenpennies" to maintain the "Government stroke," as it is called, and to do as little work per hour as was compatible with a reasonable leisure. The work consisted of adding up small entries in export books and transferring the totals to other books. It was child's play to a man of Marvin's education and ability. All the clerks did the same work, but the permanent staff were paid higher salaries and set the stroke at which the work was to be done.

Marvin had to submit or be turned out into the street. It was a bitter disappointment to him, for he had really

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believed that his talent, once shown and proved, would lead him to a clerkship and that he might rise by merit to high office. Although his colleagues tried to convince him that "merit is not a term recognized by the Civil Service" and that he could never become anything but a "Tenpenny," he refused to believe them.

It was nearly twenty years since that eminent Civil Servant, Sir Gregory Hardlines, had spoken of the Service as being disgraced "by idleness, incompetency and he feared he must say dishonesty; till incompetency and dishonesty had become, not the exceptions but the rule. It was too notorious that the Civil Service was filled by the family fools of the aristocracy and middle classes, and that any family who had no fool to send, sent in lieu thereof some invalid past hope. Thus the Service had become a hospital for incurables and idiots."

Trollope tells us that Sir Gregory's cure for this was examinations, and though this new system had been at work for some time when Marvin joined, he found there was still a barrier between the writers and those on the permanent staff. The latter could rise to any position; indeed, they must rise, because the rule of seniority prevailed. But the writers, temporary or permanent, started at thirty shillings a week, worked on at the same rate until the end, when they were dismissed without thanks or pension.

Marvin could not believe that this was his fate. He had a belief in his destiny at this time that enabled him to keep his heart up in his terrible surroundings and to withdraw from the dissipated society of his fellow-

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clerks. Moreover, he had his work to do as a journalist and in his leisure he studied languages and history. But he continued for some considerable time in the strange belief that his destiny pointed to promotion in the Civil Service, and with an audacity which surprised his fellow-clerks he wrote to the head of his department to discuss the matter of his future with him personally.

He was now in the Dogs' Department at Somerset House, and the Assistant Secretary of the Inland Revenue was no less a person than William Michael Rossetti. He was received with courtesy, but nothing came of it. A document of some kind was drafted, initialled by the head of the department, sent before a board and stowed away in the archives of Somerset House. His application to sit for the examination necessary to enable him to become a Lower Revision Clerk was refused, on the ground that he was over twenty when he entered the Service. At last he believed the truth about the Civil Service. As one of his seniors had told him in the early months of his servitude, "I am sorry to undeceive you, but you have no prospects here. No service, however prolonged, will give you a claim upon the office." This was the truth about a public service that Mr. Gladstone had described as "the property of the nation."

Marvin was a philosopher, but not, perhaps, a moralist. If the State would only pay him tenpence an hour, and no amount of industry would tempt the State to give him better terms, he on his part was not going to make a present to the State of more than *tenpennyworth* of his industry. "Henceforth," he writes, "I *candidly* admit I did as little

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as I could for the Barnacles and as much as I could for myself. I read the newspapers till eleven. I worked till half-past twelve. I then studied till two. Dinner took up till three. I worked till half-past and then read again till four. I always worked at high pressure and was consequently able to keep my totals above the level of those of the Barnacles. I hated dawdling over my work and considered it a matter of right that if I did as much in two hours as the rest of the Barnacles in six, I had a legitimate claim to the difference."

From a human, physical and moral point of view, Marvin found himself in a poisonous atmosphere. The shirking, tippling, loafing, feeble-minded clerks, to whose level he had to sink, had perhaps more excuse for their conduct, for Marvin knew better and chose the wrong path deliberately. His only excuse, poor fellow, was that he wanted the pay. Nevertheless, we must condemn an official system that cannot offer an ambitious, capable young citizen any other alternative than to remain a drudge at thirty shillings a week or clear out and seek work elsewhere. This is the way in which youth is wasted and efficiency avoided.

The details of Marvin's experiences in the various departments, their absurd regulations and procedure, the listless, negligent methods of the weary staff in their uninteresting duties, provide a mournful story of human futility. It is truthful, no doubt, but it is often written with bitterness. The iron had entered into the soul of this bright, clever youth as he sat there doing his daily task with the knowledge that unless he could escape from the

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bondage he must slave there until the end came. What made his position so exasperating was, that each of the third-rate men he worked with, being within the mystic barrier, had his future guaranteed for him by a grateful State. "No matter how imbecile the man might be, his weight of years carried him along from post to post, whether he were fitted for it or not, until he reached the sere and yellow leaf and became a pensioner."

He was already looking forward to joining the ranks of journalism with the prospects of a sufficient income, when in July, 1877, he was ordered to go down to the Foreign Office. It seems extraordinary that in a country of wealth and importance the solemn duties of the Foreign Office should be entrusted to a "Tenpenny." But so it was, and in the matter of understanding foreign languages, it was probable that the "Tenpenny" was better equipped than the more expensive officials.

"Every bird has its decoy and every man is led and misled in his own peculiar way." To a man of Marvin's temperament, already writing articles on foreign policy and Eastern affairs for *The Globe* and *The Morning Advertiser*, and utterly disgusted with the Service employment that brought him in a necessary pittance, the Foreign Office was a place of temptation. It did not make it better, in his estimation, when he learned that he had been sent for because it had reached the ear of one of his superiors that there was a "Tenpenny" on the books at Cannon Row who was a scholar and a gentleman. He did not seek the Foreign Office; he was ordered to go there. It was, as he thought, his destiny.

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At this moment of his career, had anyone in authority had the sense to make him a permanent clerk with an adequate salary, the country would have retained a valuable servant and the world lost many entertaining books on Russia and the East. His position, however, remained practically the same as before. He had a salary of £78 a year, an extra allowance of £10 for his knowledge of French, twelve days' holiday and fourteen days' sick leave at three-quarters pay. There was not the smallest hope of improving his position. Even the door-keeper of the office received £200 a year.

The young lions of the Foreign Office had a pleasant time of it. The official life of the place was supposed to begin at midday and end at six. Few of the staff arrived until nearly one, when, having looked at their private letters, they went out to lunch and returned to read the papers, discuss the affairs of the world with their colleagues, and write an occasional routine dispatch. There is a recorded jest of the office that just before a popular clerk retired, his colleagues placed upon his mantelpiece a funeral card in the following terms :

In Memory of —,

Who departed this Official Life on the

30th day of March, 1873.

Scrupulous in the avoidance of every duty, he gracefully escaped the obligations of this transitory life. Regarding virtue as a thing beyond price, he was careful not to degrade it by practice. His mind was a storehouse of knowledge of which he had lost the key ; and in finally paying the debt of Nature, he left to his sorrowing friends the consolation of meeting his other liabilities.

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The permanent clerks were generally men of means, moved in good society, and were not called upon to do the serious work of the place. Marvin was attached to the Treaty Department, and part of his work was to copy letters for Her Majesty, write out formal documents conferring powers on ambassadors and diplomats, and pack up medals awarded to foreigners and others. Sometimes he had no particular work to do for ten days or more, but as he had the run of the splendid official library and was actively engaged in journalism, time did not hang heavily on his hands.

The chiefs of his department were not unkindly towards him, and made full use of his abilities. He was asked to transcribe the official copies of treaties for signature. This was highly skilled work. He wrote out the treaty on gilt-edged white paper folio size. The paragraphs were in parallel columns, English on one side and the foreign language opposite to it. After he had finished his work his immediate superior, MacFlartey, sewed the sheets of the copies together with blue ribbon. These were then examined by the head of the Treaty Department and the Secretary of the Foreign Embassy, who attached their seals to the copies. Later on, the Ambassador made a formal call at the office and signed the treaty. Marvin also wrote copies of treaties in French, German, Spanish, Dutch, Italian and Portuguese. On one occasion he himself was asked to translate a French convention into English. His work was approved and printed and presented to Parliament. He received for this a special extra allowance of 6½d.

His immediate superior, MacFlartey, was paid £330,

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Hervin the next, £610, and Jemarch, the head of the department, £800. The names he gives in his book are of course fictitious. Jemarch was Mr. Francis Irving, assistant in the Treaty Department, Hervin was a Mr. Martin. These gentlemen were permanent officials on increasing salaries, and were not like the rowdies of the Custom House, but were gentlemen of conspicuous ability. But what drove young Marvin to wrath and despair was that in the absence of one of them he was called upon to do his work upon the starvation wage of a "Tenpenny."

On May 29, 1878, MacFlartey was absent on his annual two months' holiday. Lord Salisbury had but recently taken over the Foreign Office, and Marvin had been disgusted at the appearances in the office, from time to time, of Count Peter Schouvalóff, who in his view was a tyrant of a debased type and an enemy of England. Young England was at this time worshipping the Great Macdermott at the music halls and nightly shouting the chorus of George William Hunt's patriotic song which made Macdermott famous throughout England,

"We don't want to fight,
But by Jingo if we do."

Marvin was a thoroughly conscientious Jingo with a lively hatred of the Russian Bear. It was no doubt the absence of MacFlartey and the ready ability of Marvin that caused Mr. Jemarch to call him into his room to read over the copies of a secret treaty which Lord Salisbury and the Russian Ambassador had arrived at about Eastern affairs. That the Marquis of Salisbury and his dear, dear friend, Count

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Peter, should be making agreements behind the back of the nation giving up, as Marvin believed, British interests, made him indignant. When he was given a portion of the treaty to copy and had memorized what he had read over to Jemarch, he was horror-struck at the contents of the document. It did not improve matters when Mr. Hervin told him that he "ought to think it a great honour to have copied out the memorandum."

Marvin, however, looked on the matter in a crude, human, incorrect and undepartmental manner. He retorted to his superior that he considered it as a disgrace; "I wanted no such honour—I wanted prospects." In this mood and with this dangerous secret in his possession he left the Foreign Office and walked towards *The Globe* office. He seems to have been told that the facts of the agreement would be published in *The Times* next morning, and he came to the conclusion that he would give a summary of it to *The Globe*, so that they would be the first to publish it.

Personally, I cannot see that it is possible to justify such a breach of faith by pleading that Marvin was an ill-paid and sweated servant. Nor can he fairly urge that he was doing it from a patriotic motive, because he himself says that he believed it was to be printed in *The Times* of the next day. His own excuses are, however, not without interest. "Looking behind me," he writes, "I could see two avenues in the past. There was the beaten path of the Civil Service, along which I had tramped with no encouragement, no thanks and no prospects; and there was the path of the Press full of obstacles overcome, and

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yielding me bright promise in the future. . . . The position I occupied that moment in regard to the Press was wholly due to the encouragement and stimulus I had received from *The Globe*, and but for *The Globe* I should still have been a common tenpenny writer. Out of gratitude, and not from either a spirit of levity or a desire of gain, I resolved to proceed to the Strand and disclose the Anglo-Russian agreement."

The Globe published his summary late that night about nine o'clock, but the rest of the newspapers next day regarded the matter as a *canard*. In the morning, when he went to the office, Mr. Hervin mentioned to him that there was nothing about the memorandum in *The Times*. No one seemed to have seen *The Globe*, and routine work proceeded as usual.

But about four o'clock in the afternoon the storm burst. A clerk rushed into Marvin's room.

"It's out!" he cried excitedly.

"What's out?" asked Marvin.

"The Anglo-Russian Agreement. It's in the papers."

"I thought it was to appear in the papers," said Marvin.

"No. It was to have been kept secret from Austria. Salisbury is in a furious rage. He swears Schouvalóff has done it."

But Schouvalóff was equally certain Salisbury had done it, and the whole official world was in a tumult. One cannot greatly pity these eminent statesmen or the heads of the Foreign Office. They forgot the maxim, "He who trusts a secret to his servant makes his own man his master."

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The Government were undoubtedly in a terrible fix about it all. When the good work of a Government department is brought to light the authors of the masterpiece are often covered with modest confusion and seek to belittle their own deeds.

Although the news came out on Friday night and the House of Commons was then sitting, Mr. Wykeham Martin, member for Rochester, having died very suddenly in the Library of the House on Friday afternoon, and the House having adjourned early, *The Globe* was the sole authority for this interesting information from Friday evening until Monday when Parliament was again in session.

On the Saturday *The Globe* repeated Marvin's summary under a heading, "The Congress decided upon. Terms of the Agreement between England and Russia." In a leader they claimed that they had given the public an account of the understanding arrived at between the cabinets of London and St. Petersburg which "we have every reason to believe will be found accurate in every particular when the time comes for ministerial statements."

This forecast of a ministerial corroboration of the accuracy of their "scoop" was a little premature. For on Monday, when Earl Grey asked Lord Salisbury to enlighten the world about the matter, he replied that Marvin's statements "are wholly unauthenticated and are not deserving of the confidence of your Lordship's House." Other versions say that the word used was "unauthentic." It was really no matter, but it is interesting as showing

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how synoptic newspapers are often as difficult to reconcile as synoptic gospels.

The next day, Count Andrassy in Vienna admitted the substantial correctness of *The Globe's* statement, and *The Times* correspondent at St. Petersburg said it was "not authentic but generally believed to be not far from the truth." *The Globe* wrote a somewhat patronizing approval of Lord Salisbury's use of the word "unauthenticated," and said that the Foreign Minister, "whose verbal accuracy is well known," intended to imply that as it had not yet been officially vouched it was in that sense "not authentic."

Other people, however, declared that *The Globe's* "scoop" was naught, and that Lord Salisbury's answer made it clear that no such secret treaty existed. Harsh things have been said about Lord Salisbury's reply to Lord Grey. One of his biographers describes it as "the most debatable incident in a singularly honourable career." I think, however, that to parliamentarians the form of the answer obviously meant that there was something in the business but that it was an official secret. A parliamentary equivalent to the jargon of "The answer is in the affirmative (or negative)" is obviously required; and I suggest that it would meet official needs if a minister might reply to a question in the House in the phrase, "The answer is in the evasive."

Mental reserves and equivocations are as current and properly appreciated among politicians as among ecclesiastics. "So often as good cause occurs for which we may use ambiguous words or mental restrictions the use of it is lawful, although he that interrogates do urge that you

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will speak without ambiguity or restriction." This is the teaching of Peter St. Joseph. Clearly, when one statesman asks another a question in public he does not expect a reply without "ambiguity." All that Lord Salisbury conveyed to the initiated was that to anyone who came to inquire what he and dear Count Peter had been hobnobbing about his lordship was most emphatically "Not at home" !

You may say that this reply deceived the citizens of the country. That is quite true. But I doubt if from a Foreign Office point of view the common citizens have any *locus standi*. Marvin's action and the Marquis of Salisbury's statement were fiercely criticized by partisans. Both had their temptations, and if we allow them to be "dormy," from a moral point of view, it is perhaps a fair estimate.

Poor, simple Charles Marvin read Lord Salisbury's words with puzzled amazement. He still remained at the Foreign Office, and might have continued there apparently, but that his honour as a journalist seemed to be at stake, since he considered himself publicly accused by a peer of selling false tidings to a newspaper. It was an absurd way of looking at it, but it was characteristic of the man. His character as a journalist was dear to him, though his official position as a "Tenpenny" was naught. He sent a private letter in his own name, to all the newspapers for which he had written, and declared that his disclosures to *The Globe* were absolutely true. This he followed up, while still in the Foreign Office, by obtaining an actual text of the treaty which he handed to *The Globe* as a

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proof of his fair dealings with his employers. This was not published until Friday, June 14, when the world was startled by a full text in English and French of the secret treaty signed "Salisbury" and "Schouvalóff." This was the day after the opening of the Berlin Congress where Lord Beaconsfield and Lord Salisbury had gone in search of "peace with honour." It was cynical even for a journalist to spoil the show by displaying to a gaping public the way the wheels worked behind the scenes.

Poor Sir Stafford Northcote, who remained at home as caretaker, refused to say anything about the treaty, except that it had not been handed to the Press by the Foreign Office, a statement that caused some amusement. It now occurred to the authorities of the Foreign Office that they might call in the police to find out how their secret treaties became public. Marvin was at once suspected by the detectives. His identity was an open secret in Fleet Street, but he was allowed to remain in the Foreign Office until June 20, and was not arrested until June 26, when he was haled off to Bow Street on a charge of stealing public documents.

Now there was not the least evidence that Marvin had ever stolen any documents or removed them from their proper place in the office, which might technically have amounted to asportation. Poland for the prosecution was unable to call anyone from the Foreign Office to prove anything except the general inefficiency of management and the casual way in which important papers were left lying about under the nose of sweated temporary copyists.

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Mr. Madge, the publisher of *The Globe*, proved that Marvin had written out his summary in his presence from memory, telling him that the news would appear in the morning papers. Mr. George Lewis, who defended Marvin, obtained from Francis Irving, the assistant in the Treaty Department (alluded to in Marvin's book as Jemarch), an admission that he had himself understood, what was indeed current knowledge among the Foreign Office clerks, that the treaty was in due course going to the Press. Mr. Irving said he obtained that information from "a very high authority." Indeed, it was from a personality so sacred that the name could not be mentioned in a public court, but had to be written down in pen and ink, and handed to Mr. Vaughan, the magistrate. Although Irving could not remember telling Marvin about the publication of the treaty, he would not deny that he might have done so, and Mr. Vaughan the magistrate was fully convinced that he had done so, and that when Marvin made out his summary from memory he had every reason to believe that the treaty would be released next day. On July 16, the last day of the hearing, Mr. George Lewis desired to go into the customs of Fleet Street. He had already elicited from the witnesses for the prosecution that many gentlemen of the highest position in the departments wrote for the Press, and that Ministers sometimes visited Fleet Street with information, leaving behind them copies of State documents marked "Confidential."

Mr. Vaughan began to be impatient about these details, and Mr. Poland thought them very irrelevant. When the prosecution had called their last witness, the magistrate at

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once refused to hear Mr. Lewis for the prisoner, and in no case could Marvin have given evidence himself. But it was abundantly clear, as the law then stood, that Marvin had committed no offence, and Mr. Vaughan was glad to dismiss him with a clear intimation that he accepted his story that he handed the document to *The Globe* in the belief that it was going to the Press the next morning.

Of course, this cannot clear him morally of having acted in an untrustworthy manner. As to this, he can only pray in aid that it was common custom in Whitehall at that date for officials employed in the theatre of politics, from Ministers downwards, to have pleasant and mutually profitable relations with their critics in Fleet Street. The fact that Marvin was a grossly underpaid servant does not make his actions any better, but there is much shrewd sense in Becky Sharp's remark that nothing is easier than to be strictly honest and virtuous on £5,000 a year. That was the Foreign Secretary's salary at the moment, and when Marvin's indiscretion put him into difficulty some have considered that he, too, deviated from the narrow path of righteousness.

Far be it from me to desire to sit in judgment on these two able men, but to my mind the whole trouble arose out of the degrading official conditions of labour by which men of ability and education were sweated and neglected by unintelligent officials working under an unintelligent system.

Marvin became a prominent journalist, travelled in the East and was the author of many famous books about Russia. The most popular of these was, "The Russians at

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the Gates of Herat.” This was a book of two hundred pages, written and published in a week, in 1885, of which sixty-five thousand copies were sold.

Marvin died in 1890 at the home of his childhood, Plumstead Common, Kent.

CHAPTER II

CONCERNING PITHĒCOPHOBIA

Then Abner Dean of Angel's raised a point of order, when
A chunk of old red sandstone took him in the abdomen,
And he smiled a kind of sickly smile, and curled up on the floor,
And the subsequent proceedings interested him no more.

For in less time than I write it, every member did engage
In a warfare with the remnants of a palæozoic age ;
And the way they heaved those fossils in their anger was a sin
Till the skull of an old mammoth caved the head of Thompson in.

The Society upon the Stanislaus.

BRET HARTE.

OUR old friend, truthful James, would have delighted in the display of Pithēcophobia in Tennessee and the "improper games" of the lawyers in the Court House of Daytonville. Pithēcophobia is a pretty mouthful. I have to thank a learned American physician for teaching me that name. It was at the time of the extraordinary trial of Mr. Scopes, in Tennessee, for discoursing on the doctrine of evolution in school hours, that my friend explained to me how ideas, especially ideas of fear, spread like a disease among human beings and reduced them mentally so that they became inefficient, panicky and prone to injustice. He was a bit of a rationalist and a sound business man, and he argued that the study of pithēco-

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phobia as it actually manifested itself in a great continent of rational human beings to-day was the way to enlighten ourselves as to similar historical, moral and mental epidemics of earlier times and prepare for those of the future.

But when I asked him if he was going to write about the matter, he explained to me that though he thought the acute form of the disease might to all appearance die out in a few years, it would remain latent, especially in the Middle States, and it would not be rational or charitable for a professional man to raise the sleeping phobia in the minds of a highly susceptible people.

He had invented the name *Pithēcophobia* partly for prudential reasons, and partly because it is the custom of doctors to provide a Greek name for a new disease. The origin of this, he acknowledged to me, went back to the days when a physician was a magician and knew more of magic than medicine; and it is to be noted that many of the more successful practitioners are often spoken of as charlatans by brethren ignorant of their peculiar magic. The reason for continuing Greek phraseology in the practice of treating human beings for disease is that it impresses the patient and exalts the mystery of the doctor. In veterinary practice it is useless, as a Greek word would have no mental effect on a cow or a pig, whereas it often either soothes or disciplines a man or a woman and makes them amenable to treatment.

The invention of names for diseases is not as difficult a business as you might think. If you take a Greek dictionary you get "*pithēcos*," a monkey, and "*phobia*," funk. You combine the words, and for the vulgar syllables

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of "monkey-funk" you have a disease with an academic and dignified title such as "pithēcophobia."

You may say that doctors' Greek, like lawyers' Latin, is merely the patter of the profession. But at least it makes you feel that you are getting something for your money, and that the illness that keeps you from the business of life is something which is rare and select. To return to the office with the news that you have been in bed with "infectious parolitis" will insure you a more respectful sympathy than if you merely come back to your desk with an account of the sorrows of "mumps."

It appeared to me that a study of the spread of "pithēcophobia" in the United States would appeal to my prolegomenous instincts, and I confess that as a curious manifestation of human conduct, the trial of Mr. Scopes and the reactions that ensued throughout the United States are historically interesting.

Early in 1925 the two schools of thought that have always fought each other heroically over the future of the world, designated in the States as Fundamentalists and Modernists, agreed like Tweedledum and Tweedledee to have a battle. It started in Tennessee, where the spread of pithēcophobia had led the inhabitants to pass a statute forbidding any educational institution, receiving support from public funds, to teach its students that man was descended from the lower animals.

Mr. J. T. Scopes, a biologist and a humble tutor of science in a high school in Daytonville, had made use of a science text-book which referred to the late Mr. Darwin's "Origin of Species" in terms of approval. He was selected

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by the Public Prosecutor as a victim, and it was decided to indict him for committing the statutory heresy of teaching that man is descended from the lower animals.

The Baptists and Methodists of the State were in ecstasies that at last the authorities were going to purge Tennessee of this reproach. Moreover, the good news spread across the great continent, and Fundamentalists throughout the United States rejoiced that the call to battle was sounded and with joyful shouts proclaimed the onset.

William Jennings Bryan, late Minister of State, at once announced in far Philadelphia that he had volunteered for service at the front, and that he would take part in the battle as associate counsel for the prosecution. The etiquette of the Bar in these matters must be different from that which prevails in this country where barristers are encouraged to await retainers rather than seek for them.

At the same time Mr. Bryan was clearly moved to this course of action by the highest motives, for he is reported at a meeting of Fundamentalists to have said that the scientists of America were "dishonest scoundrels, afraid to tell their beliefs, burrowing below the ground and stealing the faith of our children." Why American children stored their faith underground so that it was necessary to burrow to get at it does not appear.

The Modernists, of course, were not going to take this sort of thing lying down. Celebrated lawyers and scientific experts offered their services for the defence. The Tennessee Text-Book Commission withdrew the offending science manual, and publicly announced that animals

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resembling mankind were "none of them to be thought of as a source of origin of the human species."

This dictum, destructive of the ancient nursery doctrine of a close analogy between small boys and young monkeys, created great interest in that neutral territory of thought that lies uncultivated between the kingdoms of Fundamentalism and Modernism.

Showmen made a corner in monkeys and advertised their exhibition. Wherever there was a local Zoo, citizens crowded to see the gorillas, chimpanzees, orang-outangs and gibbons, and even strict Fundamentalists were bound to admit that they were very like some of their next-door neighbours.

This horrible truth caused fear and unrest. The whole country was in a state of mortal monkey-funk, and even if you had no doubt of the purity of your own descent from the original freeholders of the Garden of Eden, the fact that a large number of your fellow-citizens were less fortunate in their genealogy was exceedingly distressing. Common sense, therefore, suggested that whether the origin of species as taught by Darwin and others was true or untrue, it was not a thing to be talked about. The Fundamentalists gained many adherents from the visitors to Zoological Gardens, and the Modernists were depressed at the want of intelligence among citizens who failed to appreciate the object-lessons in the monkey-house.

The trial opened at Daytonville on July 10, 1925. The enthusiasm was enormous. The town was crowded to excess. Thousands arrived by special trains and omnibuses to the scene of battle. The Court House could only hold

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a tithe of the eager audience clamouring at its doors, and loud-speakers were erected so that the proceedings could be heard in the streets.

Mr. Scopes, who, from the accounts of the trial that have reached this country, seems to have taken little interest in the case and behaved with dignity and reserve, was indicted in the words of the statute containing the anti-evolution law. The judge opened the proceedings by a statement that he trusted to divine inspiration to conduct the case, and read the statute and the first chapter of Genesis, by way of proving, what was, of course, well understood, that personally he was a Fundamentalist.

The jury consisted of a clerk, a teacher and ten farmers, one of whom probably approached the question at issue with an entirely open mind since it was said that he could neither read nor write. The first day was taken up with legal arguments relating to the sufficiency of the indictment. On the second day a Baptist minister was allowed by the judge to open the proceedings with extempore prayer, in which it was said he introduced several shrewd arguments for the prosecution. After this, half an hour was spent in photographing and taking moving pictures of the *dramatis personæ* in Court. The Court then returned to legal argument.

The indictment was upheld and witnesses were called, but there was, of course, little in dispute between the parties. Mr. Bryan for the prosecution and Mr. Darrow for the defence had some heated rallies ; and when the latter got his opportunity to open the defence, he described the anti-evolution law as a mischievous and wicked Act inspired

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by Mr. Bryan. He scouted the Tennessee ideal of using the Bible as "a yardstick to measure science," and reminded the jury that when Genesis was first published most people thought that the world was flat.

This stirring discourse raised the drooping spirits of the Modernists, who were still more delighted when their champion demanded of the judge that he should disallow the morning prayers of the Baptist minister, on the ground that they were more argumentative than prayerful. This point was gravely argued and reserved. Next day a petition was received that the morning prayers should be said by a Fundamentalist and a Modernist on alternate days. The judge approved of this as being fair to both parties and permitting both sides of the controversy to reach the ears of heaven.

Mr. Darrow now proposed to call eminent scientific men to express their views about Genesis. This raised a question of grave importance to modern jurists and of even more serious consequence to common citizens. All of us are so much to-day under the statutory governance of anonymous officials who draft Acts of Parliament which are passed by that authority without any real consideration, that it is of interest to everyone to know how far the Courts are able to relieve us from departmental negligence or perversity when a statute comes to be judicially considered.

Here, I think, the citizens of the United States are in a far more favourable social position than we are. If a legislature of a State passes a law which interferes with the liberty of a citizen, the Supreme Court can repeal or recall

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the law as being opposed to the Constitution. Here a statute may close down a man's business, or annex his property without compensation, and the law is powerless to do justice. You will find in our reports many expressions of regret made by judges who find it their duty to decide cases inequitably in favour of Government departments.

I do not know if jurists have ever successfully defined or described the limitations, if any, of statutory authority. In Roman times Caligula passed a statute appointing his horse "*Incitatus*" a consul. The Treasury provided it with an ivory manger and it drank out of a golden pail. It interfered very little with the affairs of the citizens, and its term of office was a distinct success. I think myself a modern law of a similar kind, appointing some well-conducted domestic animal to be a Secretary of State—not, of course, any of the *feræ naturæ* or wild beasts—would be upheld in our own Law Courts and rightly so.

In *Scopes's* case the legislature had decided that citizens must not teach or learn the doctrine of evolution. Why should it not do so? If the legislature said no one was to teach the doctrine that the earth is round or that the angles at the base of an isosceles triangle are equal, how does this interfere with the liberty of the subject? In the days of my youth many children were deprived of their liberty, and "kept in" after school hours, because they fundamentally distrusted the legends of Euclid as to the behaviour of isosceles and other triangles. This was certainly tyranny.

But assume that a statute hinders the discussion of a theory or the publication of facts: if a legislature in its

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wisdom thinks it well for its people that it should not be taught these truths, if indeed they be truths, have not all legislatures in all ages sought to protect their people from the evils of knowledge ?

A legislature having by statute enacted that the earth is flat, flat it must remain in any court where that statute is operable. This was the view of Judge Raulston, and he so held after listening to much eloquence from the contending counsel, punctuated by the applause of the citizens in Court.

Mr. Bryan drew a terrible picture of teachers sending little children "back to their homes sceptical infidels, agnostics and atheists." Mr. Stewart, the Attorney-General, boldly asserted the right of Tennessee to "debar a science that deprives us of a future life," which reminds an English lawyer of Lord Westbury's judgment which "dismissed Hell with costs and took away from orthodox members of the Church of England their last hope of everlasting damnation." And although he spoke to a hostile audience, the citizens of Tennessee listened to the defendant's counsel, Mr. Malone, in a sporting spirit, and gave him a great ovation when he called on the jury to "let young Americans encounter the truth ; let the children of this generation know all the facts, with the hope that they will make a better world."

The learned judge, however, as we have said, refused to hear science rebuking the law in the shape of expert witnesses, and the Modernists went home again carrying their wisdom back to the East.

Several other applications were made on behalf of the

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defendant by Mr. Darrow, and all of them being refused, he expressed surprise that every request of the prosecution was acceded to whilst his were rejected.

“I hope you are not reflecting upon the Court?” said Judge Raulston, dubiously.

“Your Honour has the right to hope,” retorted Mr. Darrow evasively.

Nothing more was said at the time, but the judge having further considered the matter, came down to Court in the morning with a citation against Darrow for contempt of Court. He told the public he had a blameless record of forty-five years, and could not allow anyone to speak to him as Mr. Darrow had done.

During the adjournment it became known that the learned counsel had lunched with the Court, and it speaks well for the lunch, especially if it was a prohibition and fundamental entertainment, that it produced amity and concord between these two eminent lawyers. Darrow made an eloquent apology, and the citation was judicially waived. Soft drinks that can inspire eloquence, waiver and reconciliation must have some psychological reaction that we have not yet experienced in the Old World.

The last day but one was indeed a gala performance, for, all the speeches having been made, Mr. Bryan stepped into the witness-box, and for two hours gave his views on Jonah and the Whale, The Flood, The Creation and other favourites of Fundamentalism.

Darrow took occasion to cross-examine him on what he called “your fool ideas that no intelligent Christian believed,” and both sides had a merry and exciting time of

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it. The Attorney-General wisely protesting against the irrelevant waste of time, an adjournment was taken, and, that the trial might come to an end, it was agreed next day to expunge yesterday's record, make no more speeches and let the judge sum up.

This course was taken, and after the judge's address the jury retired for seven minutes and returned with a verdict of guilty. Mr. Scopes was fined one hundred dollars (£20), and gave notice of appeal.

The Fundamentalists, headed by Mr. Bryan, claimed a great victory and proceeded to celebrate it as joyously as the Prohibition laws allowed them to. The Modernists rallied together and put up a good but discreet fight for their cause. A wicked doctor who continued to maintain that man was directly descended from the chimpanzee narrowly escaped being tarred and feathered.

A more shrewd professor, however, made a great hit, in non-scientific circles, by a new and delightful theory that there was once a paterfamilias mammal who had two sons, one of whom went the way of man and the other the way of ape. This seemed to suit the Middle West as tempering orthodoxy with science in a reasonable and comforting way.

Mr. Scopes's appeal reached the Supreme Court of Tennessee in January, 1927. So far as the defendant himself was concerned, it appeared that Judge Raulston had fined him more than twenty dollars, which was illegal, and the judgment was set aside.

The Judges of Appeal differed as to the main question, whether a State could boycott evolution in their schools. A majority thought they could. It was pointed out that

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the Constitution of Tennessee had agreed for all time "to cherish literature and science," and it seemed doubtful whether the Government were living up to their highest duty.

One thing, however, they were all agreed about, and that was to make an earnest and dignified appeal to all the parties not to renew this bizarre trail but to let sleeping monkeys lie. At this date the world was rather tired of the controversy, and the Attorney-General at once agreed to enter a *nolle prosequi* in the case of Mr. Scopes.

And it is not because I have any belief that our people are wiser than the people of the Middle West that I have recalled the story of this trial. A similar instance of Fundamentalist injustice and persecution took place among us some sixty years ago in relation to Bishop Colenso, when we lived in a pre-scientific era ourselves and feared the utterance of scientific truth.

Rather would I assure our Middle West cousins that there is nothing to be frightened about in the theory of evolution. The ancestral heritage is by no means disconcerting if you face it with reasonable courage. Over here we have long ago accepted our amusing and old-fashioned poor relations and are always ready to spend a bank holiday with them and compare their culture with our own.

I never see my cousin the mandrill sniffing at his breakfast and tossing a bit of lettuce here, and a banana there, in sheer boredom at meeting the same old breakfast, without recognizing a fellow-man and a brother. The old man is as

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fond of his dish of herbs as I am of my bacon and eggs. But it is a common trait in man and ape, to be saucy over their food in the early morning, especially if they have been dining at the Chimpanzee Club overnight and the mayonnaise has disagreed with them.

What a curious state of civilization is that in which educated citizens not only flout the teachings of science but band themselves together to make it uncomfortable for those who believe. But we are all like that, and Fundamentalists who think and act in unintelligent masses have always done a deal of harm in the world, generally with the best intentions. When we go to the monkey-house at the Zoo why should we be depressed about the obvious family likeness of some of the inhabitants to our uncles and aunts ?

If we sprang from the ape, we may be glad that we sprang, but we need not fidget ourselves into a fever over our humble origin. People who feel a touch of pithē-cophobia coming on, should remember that it only took us about 17,000,000 years to get as far removed from the gibbon as we are to-day, and that in another few million years we may be even better-looking still. The Fundamentalist must brace himself up for further and better jumps towards higher altitudes.

Or if he cannot do that, he must not persecute his fellow-citizen whose banner bears the strange device, *Excelsior* ! The comfortable way of life is to believe what your next-door neighbour believes, and the man who will not go with the herd has always had a thin time of it. But the heroes of the world are those who walk by themselves.

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What a hero was that bright young monkey who, despite parental disapprobation and the coco-nut missiles of his arboreal family of rosy-sterned fundamentalists, insisted upon walking upright upon his hind-legs. But for him we might still be up the tree ourselves cracking nuts.

CHAPTER III

CONCERNING JOHN HENRY NEWMAN

We will praise the Hero-priest, who wears out, in toil, calumny, contradiction, a noble life, to make a God's Kingdom of this Earth. The Earth will not become too godlike!—*Heroes and Hero-Worship* (CARLYLE).

TIME sadly overcometh all things, and is nowhere so busy as in heaping earth on the graves of the great, and obliterating their memory. I often find myself speaking of a great judge or advocate to young members of my own generation only to find the names received with the respectful silence due to the dead and the forgotten.

Even the real heroes of one generation are not honoured by the next, but they have a habit of returning after many years, which is comforting to their admirers. Meanwhile Time hurries on, in a restless disconcerting way, heedless of speed limits, missing the best things in the landscape.

The truth of this was brought home to me recently when a young neighbour, a well-educated and intelligent Georgian, found me on a Sunday morning deep in Mr. Ward's "Life of Newman."

"Who on earth wants to know anything about Newman nowadays?" he asked carelessly.

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"John Henry Newman was one of the great Victorians," I replied, feeling as I said it that it was pompous and unconvincing.

"All your great Victorians are back numbers," he said flippantly.

And having borrowed my niblick—for that was his mission—he went his way.

The phrase "back numbers" rankled. A back number, as I understand it, is a number the title of which is remembered and the contents forgotten. I recollected then how on the introduction of the Home Rule Bill in the House of Commons I had been in the gallery, and when Mr. Asquith first spoke the name of Gladstone instead of the overwhelming cheers that I had anticipated there was only silence—and a lump in my throat. I recognized then that Gladstone was a back number even in the House of Commons.

Of course it was obvious it must be so, and it was really only a milestone on my own homeward journey, but it gave me a slight shock to recognize that I had travelled so far. The giants of my youth, Newman, Gladstone, Kingsley, Ruskin, Millais, Dickens and Thackeray, were replaced by Bernard Shaw, Dean Inge, Arnold Bennett, Wells, Chesterton, and others to this juror unknown.

Doubtless a time will come when even these brilliant ones will be set aside on dusty shelves and themselves become forgotten. For the world seems to roll out new material for back numbers with the regularity of a rotary press. And on consideration it seemed to me that it might be useful to myself if I studied the history of back numbers,

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so that even if it were not possible for me to justify their works to modern man, I might at least be able to discover why men, whose very names send a thrill of admiration through my being, are in the wiser judgment of a younger generation merely back numbers.

For my part I cannot read anything about John Henry Newman without interest. But even I must confess that his writings and the subject-matter of them do not greatly entertain me. I enjoy the words he uses and the arrangement of them—but the matter of the controversies which inspired the writing has very little hold of me. It is the personality of the human being that is so exasperating and lovable. I cannot believe that Newman as a human being will ever really be a back number, whatever may become of his writings.

Newman was more than a Victorian, he was already famous before Her Majesty came to the throne. Born in 1801 and dying in 1890, his life, where it comes in contact with the affairs of the world, is a story of the century. But for the most part his days were not spent in the same world wherein the bulk of mankind move and have their being. He himself tells us that when he was a young man he mistrusted the reality of material phenomena and rested "in the thought of two and two only absolute and luminously self-evident beings, myself and my Creator." This peculiar religious self-perception, which he never grew out of, is the text and keynote of his life. He seems in so many things, both moral and intellectual, to move in a different dimension from his neighbours. The people around him, with very few exceptions, are by no means luminously

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evident, they are mere shadows in a dream, and the dream is Newman's.

To the average citizen, whose life and hopes and prayers are absorbed in a great measure by aspirations for wife and children and fellow men and women, to the exclusion of constant thoughts of self, there is something heartless about Newman's confession. But once get a glimmering of the truth as it appeared to him, and his achievement of sympathy for his fellow men becomes the more admirable and surprising.

As all his work was done under the spell of his peculiar and varying beliefs, little of it, as work, is of any particular use to the world of to-day. Who troubles his head to-day about The Oxford Movement? It has a mild historical interest of a kind, but it is caviare to the general. There is a lot of fine confused reading about it, for the voracious reader. Then in his Catholic days the defence of true religion against such heretics as Gladstone, Kingsley and Pusey is about as near real life to-day as a chess problem; but even here Newman attempts some argumentative gambits that the curious may study with entertainment. The destruction of the High Church Anglicans and the abolition of Exeter Hall—now a popular hotel—are only battles of back numbers in which we have all lost interest.

"The Dream of Gerontius" and "Lead, Kindly Light," we shall, I trust, have always with us, and the "Apologia" will be read for its English and its human story; but from the point of view of work done for the use of contemporary mankind, it is easy to see why the Georgian Gallio leaves

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the works of Newman on the shelves and calls them back numbers—for it is only too true that he cares for none of these things.

But though the works that a man writes may become back numbers it does not follow that the man himself is one. These lectures and sermons and controversies and other Dead Sea fruit will be raked over some day by the artist who is destined to paint a portrait in words of this great man of letters, and thereby the value of the life of John Henry Newman to future ages will be made manifest. For his career was indeed a remarkable one. Not only did he play many parts but he seems to have begun and ended several lives within a life.

His first life was the triumphant story of the Oxford Movement, which ends in 1839. He was the uncrowned king of Oxford. "In Oriel Lane light-hearted undergraduates would drop their voices and whisper, 'There's Newman,' as with head thrust forward and gaze fixed, as though at some vision seen only by himself, with swift noiseless step he glided by. Awe fell on them for a moment almost as if it had been some apparition that had passed." How far are we removed from that age! Is there any possible parson to-day in whom the most heavy-hearted undergraduate would take the slightest perfunctory interest?

After this he became luminous and self-evident. His soul was unsatisfied. He retired to Littlemore for prayer, fasting and seclusion, and was received into the Roman Church in 1843. His next life was as Rector of the Dublin Catholic University, an unqualified failure owing to his

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treatment by his superiors. His great position in the Anglican world in 1837 had been exchanged for one of humiliation and distrust in his adopted Church. As Mr. Ward says, had his life come to an end in 1863 "his biography would have been a tragedy." But he entered on a new career. There was his beloved Oratory at Edgbaston, and the great school that he founded, and there were always, in spite of episcopal rebuffs, movements of reform to initiate and discuss. And then came Kingsley's blundering but welcome attack and the "Apologia" with its triumphant success, and the world reading and talking about nothing but Newman. From that time onward the Roman authorities began to fear Newman more and treat him, at least outwardly, with greater respect and more careful diplomacy. But the Roman Church never loved Newman. His bishopric is promised but withheld, and it is only in his declining years that he obtains the cardinal's hat, not so much as an honour to himself, but as a compliment to the English Catholics among the aristocracy, who were impatient at the treatment he had received.

And the real human interest of Newman's story is his relationship with the Roman Church. When he was made cardinal, in what is known as his "Biglietto Speech," he claims that "for thirty, forty, fifty years I have resisted to the best of my powers the spirit of Liberalism in religion." And no doubt, when he said it, he implicitly believed it to be true. Yet his whole career as a priest was a brave endeavour to insinuate something of that spirit of Liberalism into the education of the English Catholic. He wanted to permit discussion and research and the publication of its

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results, but the bishops knew better. As one of his friends writes: "Newman had a constant sense that he was in a hornet's nest. Some of the bishops did not give him his proper place—having a conception of their position which was incompatible with treating him as an equal." Newman on his side preserved towards them an attitude of painstaking politeness. He was also sorely tried by the line taken by these prelates in respect of intellectual problems. "They regard any intellectual man as being on the road to perdition," he said.

And that was why Monsignor Talbot wrote to Cardinal Manning: "Dr. Newman is the most dangerous man in England, and you will see that he will make use of the laity against Your Grace. You must not be afraid of him." These narrow intriguing ecclesiastics judged Newman by themselves. Their fears were groundless. The patience, loyalty and long-suffering which Newman displayed under the petty malice of his jealous superiors, were incomprehensible to the Bildads and Zophars of the Catholic Church.

His soul had yearned for the comforts of the Roman Church, but his intellect was never wholly at one with its doctrines, and to live under the dominion of the pastors and masters who ran the machine was a long martyrdom to his intelligence. The burning joy and triumph of the "Apologia" springs from the delight with which he finds that his intellect can be made to serve his soul in repelling the coarse attacks of a common enemy.

The Roman Catholic body cannot altogether be blamed for their treatment of Newman. He had said his say about

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them in his unregenerate days, and he had really put the common English native distrust of their Church very bluntly: "By their fruits ye shall know them. . . . We see it attempting to gain converts among us by unreal representations of its doctrines, plausible statements, bold assertions, appeals to the weaknesses of human nature, to our fancies, our eccentricities, our fears, our frivolities, our false philosophies. We see its agents smiling and nodding and ducking to attract attention, as gipsies make up to truant boys, holding out tales for the nursery and pretty pictures and gilt gingerbread and physic enclosed in jam and sugar-plums for good children. . . . We Englishmen like manliness, openness, consistency, truth. Rome will never gain on us till she learns these virtues and uses them." Of course this language was regretted and apologized for in later days. He had held and expressed the common insular conception of the Roman Church, which was current in Victorian days and will long remain at the back of English minds. But Italian ecclesiastics could not be expected to carry their Christianity to the extent of forgetting or forgiving it, or of trusting a convert, who once preached such views, to enlighten them in the true meaning of their own ancient faith. And that was the trouble of it. Newman's soul was content to bask in the sun of Papal Infallibility and the liquefactions of the blood of saints, but his intellect wanted to argue about these things and his pen to write about them, and that was why his superiors believed him to be a dangerous man.

And certainly the Roman Catholic Church, through its

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then directorate, set out to give Newman a real bad time, and he only won through by the gift of time and the grace of humility. His first call was to the Rectorship of the Dublin Catholic University, and the story of his efforts is the record of a sensitive spirit wrestling with a task that his taskmasters intended to make impossible. Under the protection of Our Lady and St. Philip he had taken command of the Oratory at Birmingham, and it was from this retreat that he was invited in 1851 to become Rector of a new Catholic University in Ireland. Dr. Cullen, Archbishop of Armagh, approached him on the subject, and it appeared to have the sanction of Rome, but Dr. Murray, Archbishop of Dublin, from the first honestly opposed the scheme.

Newman's idea of a university was well known. "Let it be what it professes," he claims, "it is not a convent, it is not a seminary : it is a place to fit men of the world for the world. We cannot possibly keep them from plunging into the world with all its ways and principles and maxims when their time comes ; but we can prepare them for the inevitable, and it is not the way to learn to swim in troubled waters never to have gone into them." The Roman principle of excluding all that was regarded as dangerous in modern thought was to Newman incompatible with the idea of a university, and the ecclesiastics knew his views. If you proscribe secular literature, what is the result to the student ? This is Newman's answer ; it is the only reply possible from a rational intellect : " You have refused him the masters of human thought, who would in some sense have educated him,

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because of their incidental corruption ; you have shut up from him those whose thoughts strike home to our hearts ; whose words are proverbs, whose names are indigenous to all the world, who are the standards of the mother tongue, and the pride and boast of their countrymen, Homer, Ariosto, Cervantes, Shakespeare, because the old Adam smelt rank in them : and for what have you reserved him ? You have given him a liberty unto the multitudinous blasphemy of the day ; you have made him free of its newspapers, its reviews, its magazines, its novels, its controversial pamphlets, of its Parliamentary debates, its law proceedings, its theatre, of its enveloping stifling atmosphere of death. You have succeeded but in this—in making the world his university.”

Those were Newman’s published views, whilst the ecclesiastical creed was that science and secular literature were fatal to theology. On what ground, then, was Newman lured from his peaceful Oratory to the battle-field of Catholic education, unless with the intention, or shall we charitably say expectation, that the “dangerous man” would be a failure in the eyes of the world ?

From the moment of his acceptance of the task difficulties were put in his way. Even his letters to Dr. Cullen remained unanswered. Nothing was done, and for a year or two the whole affair hung fire, in spite of Newman’s protests at his uncomfortable position. Minor offices in the proposed university were filled without consultation with Newman, and “the Bishops,” to use his own words, “usurp the rights of others and rough-ride over their

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wishes." Meanwhile, the political devotional party were intriguing in Rome against any university at all. At last, when it might well be expected that Newman would throw the matter up in disgust, Rome begins to move. A bishopric is dangled before his eyes. Cardinal Wiseman in a sleek letter tells him how in an audience with His Holiness he has secured the Papal Brief for the university. Moreover, he draws a quaint picture of the Pope "smilingly drawing his hands down each side of his neck to his breast" and promising Newman a bishopric as an expression of sympathy from the Church.

"I have only one thing to add," continues Cardinal Wiseman, "that I request the consolation and honour of conferring on you the proposed dignity when the proper time shall come."

One wonders whether the Pope ever made such a promise, or, making it, ever intended to carry it out. Newman, in thinking it over, also wonders "what would have happened if I had refused, as another man might have done, to be installed until I was consecrated?"

The proposal of the bishopric became known, not through Newman's agency, but the bishopric itself never came. The last word about it was Cardinal Wiseman's request for the consolation and honour of conferring it. When he signed his letter to Newman, "Yours affectionately in Christ," it is at least to be hoped that he had heard the promise of His Holiness and really believed in it. As far as Newman is concerned he never heard another word about it from Pope, Cardinal, Archbishop, or Bishop. To his dying day Newman himself makes no complaint, but

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with characteristic patience, humility and gratitude for things that are, notes in after life that if he had been made a bishop he could not have resigned his rectorship, and adds with a sigh of relief, "I might have been in Ireland now."

And Newman did not like Ireland. He "could not sleep upon the feather-bedded, curtained four-posters, and could not eat their coarse and bleeding mutton which was the ordinary dinner," and he was utterly out of sympathy with their narrow ecclesiastical outlook on human affairs. Moreover, he could not adapt himself to new ways. He was over fifty; he had never roughed it in boyhood. He had not been to a public school, and he had attained unexampled leadership of a school of thought at a very early age. No doubt there were faults on both sides. Newman wanted his own way. There is a pretty story of his childhood about an infantile struggle for mastery between John Henry and his mother. It ends with a dainty dialogue.

Mrs. Newman. "You see, John, you did not get your own way."

John Henry. "No, but I tried very hard."

And it was the same story in Dublin. Dr. Cullen represented the Mother Church, and Newman sets down very plainly the cause of the trouble. "Dr. Cullen has no notion at all of treating me with any confidence. He grants me nothing, and I am resolute that I will have all I want and more than I have yet asked for. He has treated me from the first like a scrub, and you will see he will

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never do otherwise." These occasional flashes of Newman with "his monkey up"—to use his own phrase—heighten the intensity of his long-suffering and self-control.

His account of his last interview with "poor Cullen," as he called him, is full of dignity and disdain. Yet the contempt which his intellect must have felt for Cullen the man, did not cloud his Catholic remembrance of Cullen the priest, and in his later years he tells us: "I used to say that his countenance had a light upon it which made me feel as if, during his many years at Rome, all the Saints of the Holy City had been looking into it and he unto them." But perhaps it was not Newman the forgiving saint who wrote that, but rather Newman the man of letters, pleased with the artistry of the phrasing, for "Doth not the ear try words even as the palate tasteth its meat?"

A comprehension of the narrowness and limitations of Newman's character is necessary to the appreciation of his greatness. He had little interest in nature. The great annual resurrection of spring, the bursting of the seed into the corn, the bulb into the flower, gave him no feeling of joy. The deep-sown space of the stars made no appeal to his sense of the wonderful. He enjoyed puzzling over little home-made indoor miracles, and wrote about them very ingeniously.

In the same way the problem of death was always in his thoughts, but the far more hopeful proposition of birth did not attract him. His religious outlook on the outer world is typified in the hymn. He had "loved the garish

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day"—or thought he had—and that was sinful. In early Victorian days sunlight was typical of sin. Newman found himself more luminously self-evident "amid the encircling gloom." He liked to dwell on the world as a place of darkness in which his personal soul could espy a supernatural beacon, the kindly light of which was illumined for himself alone. Like Christian in "*Pilgrim's Progress*," as long as he himself was saved nothing else mattered. Probably this has something to do with the fact that he is now a back number. The selfishness of yesterday is incomprehensible to the self of to-day.

And like every other human being, Newman had many strange traits of selfishness that you can trace back to his deep belief in his own spiritual importance. One of these was a very child-like vanity, and he was easily hurt if people did not take notice of him and equally easily pleased when they did.

As his friend Allies said, "J. H. N. is a queer man. Who can understand him?" When it was in doubt whether he had left the English Church or not he was visited by Bernard Smith, a Roman convert, who returned with the good news that there could be no doubt about it, for everyone knew how punctilious he was in matters of dress and "at dinner Newman was attired in grey trousers." This proved to the devout mind that he was no longer a clergyman. Bernard Smith seeking a sign had found it, and established for ever the relationship of trousers to religious belief.

At a time when he was preparing for his formal conversion, and prayer, fasting and the strictest discipline were

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the order of the day at Littlemore, Newman happily found time to run up to London at intervals to sit to Richmond for his portrait. At Littlemore he was receiving the last visit of his Anglican friends and enduring the "leave-takings of a death-bed," as these farewells were described. The outward pomp of asceticism at Littlemore was very complete. "Bare walls, floors composed of a few rough bricks without carpet, a straw bed . . . no delicacies, no wine, no ale, no liquors, but seldom meat, all breathing an air of the strictest poverty." These things scarcely seem in keeping with visits to the studio of a fashionable portrait painter.

Religious enthusiasm is an excuse for any form of selfishness, and it must, I suppose, be counted to Newman for righteousness that when poor Father Dominic arrived at Littlemore to hear his confession, after five hours in a post-chaise in the pelting rain, and made his way to the nearest fire to dry his clothes, Newman entered the room, and in the damp father's own words, "throwing himself at my feet, asked my blessing, and begged me to hear his confession and receive him into the Church." After Newman's long years of waiting on the threshold of the Church, had Father Dominic been at all luminously self-evident to the enthusiastic convert, he might have given the unhappy priest time to dry his clothes. But the good Father was full of rejoicing and there is no after history of rheumatism.

When Newman himself became a priest he disliked to walk in the London streets. "I know I look like a fool," he writes, "from my own great intrinsic absurdity," but

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he is reconciled to this since the poor Catholics recognize him as he goes along and "touch their hats to me."

When he meets an old Douai priest of eighty years of age and has a talk with him, he says on leaving: "Perhaps, sir, you would like to know my name—my name is Newman." "No," he said, "go, I don't want to know your name—good-bye." This was a tragedy, and had it ended there, I doubt if Newman would have told the story even to his dear St. John, but at length the old man awakes to the great fact and "By degrees he comprehended who it was—and then his joy was quite great—he wanted to put me in his own arm-chair," etc., etc. The luminously self-evident one was happy again.

And in great things as well as small Newman, as he confesses to his friend Dalgairns, is ambitious. "I am *determined*," he writes, "to make a noise, if I can. It shan't be my fault if people think small beer of me," and there is a touch of disappointed ambition in his saying, "England surely is the paradise of little men and the purgatory of great ones." He certainly and properly never placed himself in the first category, and in appreciating his patience at the ill-treatment he received it is to be remembered that he was never under any self-delusion about his superiority to his superiors. He knew he was head and shoulders abler and greater than the officials who made his life a burden to him, and his martyrdom is the more terrible and more inspiring according as you admit that he had a disposition towards human vanity and a natural love of self.

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And no doubt that as vanity is ill at ease under indifference, the slights which Newman had to bear were a series of real trials to his sensitive nature, and equally no doubt the Italian ecclesiastics pursued their treatment of their valuable convert with intent grievously to wound. I think the only excuse to be made for them is that they inwardly regarded Newman as a kind of heretic, and were convinced that it is a blessed thing to torture heretics. Be it as it may, at every turn Newman was thwarted.

After the Irish failure, Newman was again in trouble with Rome over a publication called *The Rambler*, in which some ardent spirits, with Newman's co-operation, sought to investigate holy truths and enable educated Christians to hold their faith intelligently. Such a proposition was, of course, most distasteful to the authorities. Newman's bishop was set on to him to express a *wish* that he should drop it, and Newman, whose forbearance was limitless, was all complaisance. At the same time he could not help confessing to Henry Wilberforce that "it is discouraging to be out of joint with the time and to be snubbed and stopped as soon as I begin to act."

A Catholic historical review was suggested to him, but he cynically replied that "unless one doctored all one's facts one would be thought a bad Catholic." For at last he began to understand that the ideal community he had yearned for, and joined with such enthusiasm, was a very worldly affair after all in the eyes of its chiefs. "Because I have not pushed myself forward," he writes in 1860, "because I have not dreamed of saying: 'see what I am

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doing and have done '—because I have not retailed gossip, flattered great people, and sided with this or that party, I am nobody. I have no friend at Rome, I have laboured in England, to be misrepresented, backbitten and scorned. I have laboured in Ireland, with a door ever shut in my face. I seem to have had many failures, and what I did, well was not understood. I do not think I am saying this in any bitterness." And perhaps this is true since, with Newman, patience was sorrow's salve, and he was merely echoing Job's lament, "My friends scorn me: but mine eye poureth out tears unto God."

The triumph of the "Apologia" must have been very grateful to him. Newman the man of letters was a box-office man. As he writes to a friend, "I could not make out whether you said my sermons were 'selling' or 'telling.' I wish them to tell, but I am very much more interested, I must own, in the sale." The "Apologia" was a great box-office success following up a really prodigious literary effort. "I had writing and printing upon me at once, and I have done a book of five hundred and sixty-two pages all at a heat, but with so much suffering, such profuse crying, such long spells of work—sometimes sixteen hours, once twenty-two hours at once—that it is a prodigious marvel that I have got through it and that I am not simply knocked up by it."

The pages still retain some of the electric enthusiasm and the human tears that went to their making. Upon publication in 1864 its effect was wonderful. Newman, already a back number in England, was momentarily restored to the position of fame from which he had stepped

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down at Oxford a quarter of a century before. Catholic England and Catholic communities throughout the world poured in their congratulations. Rome, with seismometrical instinct, felt the wave of his triumph shaking the ground under their feet, and Monsignor Talbot wrote an invitation to Newman, with the approval of the Holy Father, to visit Rome and deliver a course of sermons. But even Newman's forbearance had its limits. "As to my invitation to Rome," he wrote to Miss Bowles, "it was this. Monsignor Talbot, who had been spreading the report that I subscribed to Garibaldi and said other bad things against me, had the assurance to send me a pompous letter asking me to preach a set of sermons in his church, saying that then I should have an opportunity to show myself to the authorities (that I think was the phrase) and to rub up my Catholicism. It was an insolent letter. I declined."

And so the nine days' wonder of the "*Apologia*" passed away and the attitude of Rome towards Newman remained much as before.

The next trouble was in 1867 over a movement to run a Catholic College in Oxford which Newman was to supervise. The usual diplomacy was pursued. Newman was led to believe the scheme would be permitted; meanwhile, his Bishop had received secret instructions that if Newman acted upon what he had been told, he was to be recalled "*blandly and suavely*." The intended snub did not, however, come off. The news that the Holy Father had inhibited Newman's mission to Oxford got into the Press, and Newman writes to Henry Wilberforce, not without a

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human chuckle, perhaps: "There has been a tradition among the Italians that the lay mind is barbaric and that fine craft is the true weapon of Churchmen. When I say the lay mind, I speak too narrowly—it is the Saxon Teuton Scandinavian French mind. Cardinal Barnabo has been trying his hand on my barbarism—and has given directions that if I took his leave to go to Oxford to the letter and did go there, I was to be recalled 'blande et suaviter.'"

With Newman's last quarrel with his superiors over the question of Papal Infallibility it is more difficult to sympathize. If you go to Rome it seems only reasonable to do as Rome does, and not to boggle at trifles. But an outsider cannot, perhaps, understand enough of the game to express an opinion. All I know is that when you plunge into the stimulating discussion in Press and pamphlet, as to whether the Pope's infallibility should be held as a dogma or a theological opinion, you may swim for many hours in the warmest streams of pleasurable polemics. But once back upon the bank of the twentieth century, there is a chilly sense that the whole affair is not only out of date but that it never had any more real importance than those *Theses quaedam theologicae* which Lamb submitted to Coleridge, the best remembered of which is, "Whether the higher order of Seraphim illuminati ever sneer?" Still, for my part, I think these back numbers are better reading than the arguments against the rule as to leg before wicket, or the problem of which leg should support the weight at the top of the swing, which are the nearest we have to theological discussions in the Press of

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the day. Our fathers were at least in earnest about nobler themes.

And of course Newman's life was not by any means wholly a life of controversy. He loved his Oratory and he loved the splendid school that he founded there—a Catholic school run on English lines where espionage and listening at doors were abjured and everything was above board. No doubt his very independence was an offence to his Italian masters. With English shrewdness he had not parted with his property. Some have suggested that he had a Jewish origin which was manifested in his business relations, but there is no evidence of such a heritage “except the nose and the name,” and surely, as Mr. Ward thinks, his nose was created in a Roman rather than a Hebrew mould.

It was his sane distrust of the Italians that prevented him on his conversion parting from his money. “I must own,” he wrote, “I feel the notion of giving up property try my faith very much.” Through this refusal, his physical life at least remained independent in a great measure, and he was the more easily enabled to take up his cross and obey his superiors with patience and fortitude. He had begun life with the cry, “Oh that Rome was not Rome! but I seem to see as clear as day that union with her is impossible.” He ended with a challenge, “Who can have *dared* to say that I am disappointed in the Church of Rome.” The thoughts are easily reconciled when one recognizes that one is a physical thought about a physical machine and the other a spiritual thought about a spiritual community.

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And one likes to remember that at the end of things, thanks to the efforts of the Duke of Norfolk, Lord Petre and Lord Ripon, the machine was made at last to recognize publicly that in Newman it had possessed an honest English servant like unto the man in the land of Uz whose name was Job, who was perfect and upright and one that feared God and eschewed evil. No doubt in bestowing honour upon him the Italian ecclesiastics waited until Newman was no longer dangerous, but had become a recognized asset to their English business, and they desired to please valuable English patrons ; but credit should be given to them that even at the last moment they repented of the wrongs they had done to him and made Newman a cardinal. Thus the Lord blessed the latter end of John Henry Newman with the cardinal's hat, as He had the end of His servant Job with fourteen thousand sheep and six thousand camels and a thousand yoke of oxen and a thousand she-asses.

And we might part pleasantly enough from John Henry Newman sitting in his royal robes, as I had the privilege once of seeing him, a beautiful old man sunning himself in his old age among those who loved the man and revered the priest. But there comes to mind a curious pathetic story of his very end which those who have studied his life will readily interpret.

Many years before he was cardinal, in his hour of neglect, "when he seemed, so to speak, much set aside," a poor indigent person had left for him at the house door a silk handkerchief with a message of respect. Thirty years afterwards when he went to bed expecting to die, he did

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not array himself in the robes of his great office, but asked for this handkerchief to be brought to him and put it on, “and though the doctors said he might as well be without it, he died with it on.” The insight of the dying had taught him that “the desire of a man is his kindness ; and a poor man is better than a liar.”

CHAPTER IV

CONCERNING CAMBER CASTLE

This castle hath a pleasant seat : the air
Nimbly and sweetly recommends itself
Unto our gentle senses.

Macbeth, Act i, Sc. 6.

A STUDENT of Bureaucracy cannot study his subject in his own country in the present day. The Official Secrets Act makes it a crime for any citizen to inquire within upon anything, or to endeavour to discover how modern Departmental Culinary Chiefs solve the eternal problem of "what to do with the cold mutton." If you are a Member of Parliament you may ask a question about it, but as the answer is always "in the negative" it does not enlighten your darkness. The great works of Bureaucracy are only released for public exhibition after the passing of centuries.

Camber Castle is a noted example of official functioning and achievement. It happened so long ago that it can be referred to without indelicacy or offence. Antiquaries and historians appear to have treated the old ruin with neglect. They usually dismiss it from their pages with a curt paragraph stating that the castle was built by

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Henry VIII, and was never of any use for the purpose for which it was designed.

But this is not quite true, for the mere rumour of its building and the enormous sums wasted on it seem to have impressed the enemy eager to invade the island with belief in the islanders' wealth, energy and power of resistance. Of course, like most Government buildings, it was badly designed, placed upon the wrong site and cost an enormous sum of money. But Mr. William Oxenbridge, the contractor, did pretty well out of it, the construction of it employed a great deal of labour, and after it was finished it gave shelter to several generations of perfectly useless military officials and enabled them to draw their pay. I have often wondered that the Office of Works did not take it over, restore it, publish its history and exhibit it to the public as an interesting relic of Tudor departmental methods, which in some respects bear a close analogy to those of to-day.

I had always thought, until I recently investigated the affair, that the architect of Camber Castle was a Dutchman or a Scot, or at all events a man who had a love for the game of golf. For when I am playing the eleventh hole at Rye and by good luck, or let us say unwonted skill, surmount the gorse with my drive and, slicing down the wind, find myself lying near the pebble beach, my caddie points out that the old castle is the line to the pin. The forethought of the architect in placing it exactly where he did seems to me at those moments perfectly justified, though economists tell me that we are still paying off the consequences of his blunder in the National Debt.

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That Henry VIII was well advised to make some show of guarding Camber Harbour in 1539, when he built this great castle, seems clear enough. But it is not easy to understand why so much was spent on it and why it was placed at Coble Point, from which place the sea was already receding. If you can spare half a day from the delight of playing golf on one of the few real "links" in the South of England it is worth while crossing the river Rother and wandering over the marshes to inspect the ruin of the old castle.

To-day it is at least a mile and a half from the ferry at Rye Harbour and quite a mile inland from the sea. It is a lonely, tumble-down, gaunt wreck, the home of many jackdaws and the refuge of picnickers, who carve their names on its stones and leave behind them the debris of their dreadful trade. The other cattle who shelter here from the wings of the winds that sweep across the open land do not improve the amenities of the inner keep, but must bless the name of Henry VIII, who has afforded them such a substantial refuge from the storm.

It is indeed strange to find such an extensive military fortification placed in such an inaccessible place. It does not appear that it was ever approached by a road. But when it was built it stood at the mouth of the river and fronting the seashore guarding the entrance to Camber Harbour. The sea flowed close to the walls of the castle on the south, the east and the north. When the incoming tide swept by the castle and drove the Rother inland, a huge bay was formed running back westward as far as Winchelsea and covering all the land between the east of that town and the

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west of Rye. In this way Camber Harbour was constituted and served the ports of Rye and Winchelsea.

It must be remembered, too, that in Henry VIII's time Rye was already an ancient port and still did a good trade with France. The fact that it was silting up and already out of date would not be known to the London authorities who planned the castle, and they would be as contemptuous as they are to-day of the views of fishermen and sailors who watch the movements of the shifting banks of shingle from day to day and year to year.

Our bureaucrats are elegant, contemplative folk, and it was enough for Thomas Cromwell and his secretaries to know that Camber had been a harbour since the days of Richard II and beyond, to make it clear to them that so ancient a port deserved having some public money spent upon it. Moreover, this was the royal wish of Henry VIII, a monarch who was peculiarly insistent on having his own way; so that there seems every excuse, from a departmental point of view, for the edification of Camber Castle.

The ancientry of Camber Harbour appears from an allusion to *Portus Camera* in the registers of the Venetian Senate as early as 1397. There seems little doubt that Antonio's argosy bound for England was making for Camber Harbour and her burial kiss was received on the flats and shallows of the coast of Romney Marsh.

Mr. Arnold, in Volume 20 of the "Sussex Archæologia," points out that in the chart of Andrea Bianco several Sussex ports are named: Arundela (Arundel), Soran (Shoreham), Gingalaxo (Winchelsea) and Camera (Camber). But in a decree of the Senate of January 2, 1397, for

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fitting out two galleys for London, there is striking evidence of the then importance of Camber, for "information having been received that Caput Doble (Dover) is not a port but a road unsafe (*statium non bonum*) and that thirty miles hitherward there is a good harbour called *Portus Camera*," the captain was to have liberty to call there if he thought fit, and unload his merchandise for London.

Camber Harbour from the point of view of an official in the time of Henry VIII was a very ancient harbour with a long official history behind it. It is not likely that the local inhabitants would spread the news that the harbour was silting up and the sea receding; still less was it probable that, before spending money on fortifying it, anyone connected with the ministry would inspect the place for themselves.

Camber Castle is essentially one of the *sequelæ* of the matrimonial affairs of Henry VIII and the Reformation. In the year 1538 Cardinal Pole's treason, and the executions that followed it, had excited our continental neighbours; and Henry's indecent display of bigotry, in burning the bones of St. Thomas of Canterbury, had naturally roused the indignation of the Pope and his friends. Charles V and Francis I were persuaded to temporary amity, and the Pope was considering the issue of a bull decreeing a Holy War against Henry and his people.

It was at moments like these that Henry VIII was at his best. In the hour of need he could do things and make others do things, and the mere sound of his movements fluttered the foreign courts and made the cardinals and the Pope reflective, hesitant, and abeyant. Although war was

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not declared, invasion was threatened and French warships had plundered our shipping and been driven out of the Channel by our navy. While these irregularities were continuing, the allies were building and fitting out a great armada in the Rhine, the Scheldt and the French harbours, in the spring and the summer of 1538.

The first allusion I have found concerning the proposal to build Camber Castle appears in a letter written by Diego Hurtado de Mendoza to Charles V on September 14th, 1538. He was ambassador here, and very probably his letter was intercepted, but he tells his master that he thinks the English are afraid, "for they have made greater haste to provide more men and munitions at Calais, and the other frontiers, and to repair Dover and Camber and the other ports which the King was visiting when I left."

Mendoza and M. de Chatillon, the French Ambassador, were withdrawn from England about this time. At the end of 1538, Wriothlesley was on a mission to the Netherlands, and he kept writing to Cromwell about his fears of a pending invasion. At one time he says: "it is in every man's mouth we shall have war," and at another time: "that the French King, the Bishop of Rome and the King of Scots be in league to invade us this summer." He does not seem to believe in these rumours himself, but he strongly advises preparations, saying: "I pray to God to put in the King's mind rather to spend twenty thousand pounds in vain, to be in perfect readiness, than to wish it had so been done if any malicious person would attempt anything."

The attack was expected to be made on the coast of

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Kent according to historic precedent. Rye, or Camber, Harbour was at that date much in use as a Channel port ; and though it would be a poor place at which to land a force with intent to march to London, yet it was no doubt worthy of some form of intelligent fortification.

Early in 1539 there was real anxiety along the south coast caused by rumours of a foreign invasion. Mr. Thomas Byrchet, the Mayor of Rye, writing in February to Thomas Cromwell, reports that four great galleys of the French King had come into Camber at the end of January "to tarry a wind to sail to a French City nigh about the Straytes and to receive more ordnance out of France, which has been delivered them by a hoy and a crayer." The captains of the galleys "have been several times on land and demeaned themselves peaceably." They explained that they only came for harbourage. But the mayor did not like this visit, and tells Cromwell the precautions he has taken to guard against a raid on the town, "not from fear, but that men should be able to resist their enemies." It was information of incidents of this character that suggested to Henry and his advisers the scheme of the great castle of Camber, which should dominate the entrance to Rye Harbour and contain a permanent garrison with suitable cannon and munitions to repel invasion.

A scheme was made shortly after entitled, "Decree by the King for three new bulwarks to be made on the Down and on the frontiers of the sea." Camber was to have "1 block-house, Mr. Canner to be paymaster ; Mr. Molton master mason ; and Russell master carpenter." Cromwell makes a note to send money "to the Cambre." This

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appears to be the origin of the building of the castle and, though undated, the document seems to be drafted about Easter, 1539.

In April, Cromwell makes a note of the places to be fortified all round the coast from Berwick-on-Tweed to Milford Haven. The list includes Camber, Lyme, Dartmouth, Fowey and other places. Why Camber was to have such an extensive castle nowhere appears, for many quite important places were only protected by bulwarks and mounds, or at the best block-houses or small forts such as those at Fowey, Dartmouth and St. Mawes.

The enthusiasm throughout the country for the work of protecting the coasts was extraordinary. Everyone fell to work, women and children helping with shovels to make trenches and mounds. The peasants of the Isle of Wight lined their shores with palisades. Beacons were repaired, men volunteered for the ships or the army, and the materials from the old abbeys were rushed down to the coast to build the forts and block-houses ordered by the King.

Meanwhile, preparations went on across the waters. The quay at Antwerp was covered with munitions, guns and stores, and by the middle of March it was rumoured that 270 sail were ready for sea and the invasion was certainly to be attempted in the summer.

During these excitements the architect of Camber Castle was preparing the plans for that masterpiece, and riding down to Rye to inspect and choose a site, and consulting with Mr. Molton, the Master Mason, about the supply of stone and with Russell, the Carpenter, concerning timber.

There was to be a large circular keep and several sur-

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rounding smaller towers connected with each other by short curtains, and about the keep a low battery in the walls of which were chinks through which the guns could be fired at enemy ships daring to invade the harbour. Within there were wooden buildings, of a substantial nature, to house the garrison. To-day the walls and towers still stand, but the outer works are mostly buried under the encroaching land, which has left the fortifications high and dry over a mile from the sea. However, in many places you can find a carved Tudor Rose on one of the stones, which serves to remind you that this strange relic was the device of Henry VIII.

The King had made a personal visit to Dover in August, 1538, to inspect the great works of fortification going on there, and Froude says he was down there again in the spring of 1539, but I cannot vouch for his ever having visited the site of his Castle of Camber or seen the castle after it was built. It appears that as early as March, 1539, France sent a new ambassador to England. This was Charles de Marillac, and from the first we find him doing his best to promote peace. He was a young man of twenty-eight, and had made a distinct success already in a mission to Constantinople, was a favourite of Francis and had the reputation of being "*le plus habile négociateur de son temps.*"

He reports to the Constable of France his first impressions of the condition of England, which are not of a nature to encourage military excursions and alarums. He describes almost with awe the ramparts and bulwarks on the Dover rocks and cliffs, and the excellent and sufficient artillery of all kinds. As he rides through Canterbury to London he

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finds every citizen is armed, even the lads of seventeen and eighteen. On the road he meets a corps of six thousand London recruits marching down to garrison Sandwich, and when he reaches the Pool below London Bridge he finds a splendid flotilla of private vessels, ships and galleys all equipped to join the Fleet and ready to put to sea. He tells the King frankly that no invasion can succeed.

Early in April the Pope, King and Emperor dissolved their partnership to destroy England. Some of the ships were dismasted and their stores and cannon taken on shore again. Later on, a convoy was seen bearing down the Channel bound for Spain and the Mediterranean. By this time the fear of invasion was over. Doubtless the officers of the army and navy on both sides were bitterly disappointed at the craven policy of their statesmen. But the merchants and traders were delighted. Other thoughtful citizens were thankful to be spared from the experience of "the next war."

There seems no doubt that the services of Marillac did much for the cause of peace. We find him writing to his master in open content to say that "the bruit of war has ceased, and there is no more preparing of ships or interdicting of navigation. The work of the ramparts where an enemy could land is not hastened, especially at the port of Chambre near Rye, where, of late, Captain Claude put in awaiting a fair wind to continue his journey."

Rye had returned to its wonted hospitable and profitable reception of French traders, and if the Master Mason, Mr. Molton, had by this time got in his foundations and footings for the great walls of his castle, we can well understand the

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Treasury looking glum over the requisition for the necessary money to finish the building.

But this is where Camber Castle is a monument of such deep interest. It was placed upon a site which river and sea were already deserting. It was planned on a scale out of all proportion to any needs, and to continue spending money upon it, now that the war scare was over, was obvious waste. But plans and estimates having been passed, then, as now, nothing could stop the building going up.

The rest of its story can be traced with some accuracy through the public accounts. In 1540, in the sixteenth pay-sheet for the "tower at Winchelsea," we find that there were no fewer than "1,272 workmen, including masons, carpenters and sawyers at the tower and at Knell wood, scavill [scaffold] men, labourers at Hastings and Farly quarries," from which places the stone must have been brought by sea.

The moneys for the "fortress at Winchelsea" seem to have been paid to William Oxenbridge, who, up to May, 1540, certainly received amounts such as £400 and £1,100, and it seems not unlikely that he was the contractor for the building and probably related to the Oxenbridges of Brede, an important local and county family.

There was certainly no delay in completing the building. Possibly Oxenbridge and his friends who financed it—for we shall find much of the £23,000 it is alleged to have cost was not paid for some years—considered that they had better get ahead with the work before the London people came down and stopped them. If the Oxenbridge syndicate owned the Hastings quarries ;hters of

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their own, the only bills they would be paying would be for labour.

However this may be, Camber Castle was apparently ready for occupation in the autumn of 1540. The first captain of the King's "Castle of Camber upon Coble Point" was Philip Chewte. His pay was two shillings a day. He commanded sixteen gunners and a porter whose wages were sixpence apiece. Whether the ordnance was mounted on the batteries as yet does not appear. Froude says that the penny wage of the reign of Henry VIII was equal to a nineteenth century shilling. I have seen the modern value put higher. But taking Froude's standard, we had now got a fortification going with a very reasonable salary list, and it was obvious that from a taxpayer's point of view Camber Castle had come to stay.

Not until 1543 does William Oxenbridge appear to receive the balance due to him, and then large amounts are paid to him "toward edifying the King's Castle of Camber, Suss." This year he has £1,000 and £1,200. Then we find payments of £3,000 and £4,000, and the last items I have seen were three sums of £2,000 each paid in the summer of 1544.

The Castle of Camber having been paid for, and some brass ordnance and other cannon mounted on its walls, its various captains and gunners, from time to time drew their pay and went through their drill, whilst the sea and the river drifted away from them, so that within a few years of the erection of the fort it was utterly useless for the purpose of guarding the harbour of Rye.

But though river and sea departed from the castle, shingle,

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sand and mud and vested interests clung to it. It was a national institution. It was one of our ancient defences ; and like bows and arrows, and lances and cavalry and spurs, and red coats and busbies, Camber Castle, once in commission, took a lot of getting rid of. The next one hundred years of its history is a record of bills for repairs, petitions of people who want to be gunners, although they have been brought up as butchers and fishmongers, and grants in reversion and otherwise to the snug sinecure of the Keepership of the Castle ; broken on occasion by an inquiry into the embezzlement of stores and munitions and the petition of a discontented fishmonger who now wants to sell his place as a gunner.

But in 1625 the absurdity of the castle, which was already stranded out in the marshes, much as it is to-day, had become fairly apparent even to the authorities in London, who were beginning to inquire for what purpose they were paying out the taxpayers' money. Captain Bacon, who was then the Keeper, is called upon to make a report on the situation and condition of the castle. This he does very readily, adding a postscript entreating payment of arrears due to self and soldiers. A petitioner who is after purchasing a gunner's place is loath to hazard more than £10 upon it, because he fears that the castle may be demolished.

In 1627, or thereabouts, the departments in London make a big effort to get rid of the castle. For it had by now become one of those institutional public scandals that everyone is heartily tired of but no one cares to interfere with ; since it still harboured a few useless human official

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weevils who would find it difficult to obtain a living in any self-supporting industry.

Sir John Hippisley, in February of that year, came down from London to have a look at the unfortunate castle, under the impression that Sir John Guildford would make a bid for it. But Sir John Guildford never put in an appearance, and Hippisley reports to the Duke of Buckingham that the materials of the castle would not fetch more than £1,200, and that "Winchelsea and Rye think themselves quite undone if the Castle be taken down." A garrison of even seventeen gunners spent some money in the little towns, and the mayors, jurats and inhabitants petition for the castle to remain. Hippisley thinks everyone would be pleased if a new castle were built at Dungeness, another shingle bank receding from the sea, and writes that "nothing would do Buckingham more honour." The local people of Rye, Hastings and Winchelsea petition for their old castle to be repaired. The London ministers stand firm for economy and appear to have succeeded in getting an order for the demolition of the building. Buckingham was Warden of the Cinque Ports, and perhaps wanted to please his Sussex friends, for soon afterwards we find a note to the effect that there is to be no demolition, for "the resolution has been changed." And now the matter rests for another nine years, when the Commissioners for the Harbour of Rye discover, in 1636, that "the harbour formerly ran near the east side of the Castle of Camber, and by the working of the sea and strength of the south and south-west wind is now driven to the eastward about a mile."

The rediscovery of this condition of things was, I think,

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due to the unwisdom of Thomas Porter, the new Captain of the Castle, who had sent in a requisition for £720 for "repairing the castle." Porter had purchased Bacon's place in 1633, and it was asking for trouble to demand in 1635 £720 to repair a castle that was ordered to be demolished ten years ago. Moreover, Charles I was issuing ship-money writs about this time, and for the Admiralty to spend such taxes on the repair of a derelict castle a mile or more away from the sea, under the head of "coast defences," would have given material for disloyal discourse among the enemies of the Crown.

The Lords of the Admiralty undoubtedly were of that opinion when they put on the agenda for their meeting with His Majesty at Hampton Court on June 13, 1636, as a subject for royal consideration: "also concerning the demolishing Camber Castle, Sussex."

There was no doubt that it was discussed, and from a marginal note on the agenda it may be that a decision was arrived at, or perhaps it may only mean that a proposal was put forward.

The words in the margin are: "Demolish it and thinke what to do with the materialls." This is a valuable and statesmanlike suggestion, and entirely in harmony with the modern practice of heaven-sent rulers of men. You act first, and think over the results of your action afterwards. If you were to think first, it would obviously cause delay or perhaps end in no action being taken. Camber Castle might, indeed, never have been built if thought had been taken before action. I therefore believe the marginal note is a decision rather than a suggestion.

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This idea is confirmed in my mind by the further fact that a decision having been arrived at, nothing was done about it for the time being. This, too, is in accordance with official procedure. Very likely the Admiralty sent the dossier across to the War Office, or some other public body, with a chit attached bearing the request, "for your consideration, please." This we do know, however, that a year afterwards some "competent authority" did consider the matter and arrive at the conclusion that "Camber Castle being all together unserviceable should be sold for repair of the other castles and the soldiers about 10 may be added to the gunners in Dover Castle." The really business-like suggestion of using Camber stones to repair other castles is only marred by the fact, unknown to the officials dealing with the affair, that there was no road across the shingle banks and dykes on the marsh by which the stones could be carted to the harbour; and the cost of removal would be far greater than the value of the material. That has remained true until to-day, and is doubtless the reason why so much of the ruin has remained.

Nothing was done at that time to disturb the garrison, but next year (1638) the King ordered the Master of Ordnance to bring the eight cannon from Camber Castle and seven from Rye into store in the Tower. If this had been done it was probable the garrison would not have long remained in possession. But there is the draft of a Parliament order for the ordnance and ammunition to be removed from Camber Castle to Rye, dated August 30, 1642, which seems to show that Cromwell got the cannon, though it also looks as if Captain Porter and his gunners were still

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bravely drawing their pay and sticking to their guns up to the commencement of the Civil War.

Camber Castle as an official institution petered out in these times of trouble, and when the King came into his own again at the Restoration he found the old ruin absolutely deserted. A certain Captain William Carr petitions for the lease of it, asserting that "it is of so inconsiderable a value that a grant thereof to the petitioner will be worth just nothing." He seems to have got a lease for thirty-one years at a rent of 12d., with power to take the stone, iron and timber of the edifice "without accompt." This seems to be the contemptuous official end of the Castle of Camber which King Henry VIII built in the days of his vanity at the expense of £23,000. It seems Quixotic to appeal once again to a public department to take an official interest in their disreputable offspring, but I repeat that Camber Castle is a case for the further consideration of the Office of Works. Camber Castle, like the neighbouring Martello Towers of a later generation, is worth keeping as an example of the costly inefficiency of the expert administration of a bygone age. If you think imperially you may like to boast that the prestige of this costly fortification frightened the invader from our shores. And as a war memorial it is at least interesting, as reminding us that the Kings and Parliaments of all ages have spent the taxes they collect much according to the same procedure.

The old castle is a pleasant object in the landscape, and has given joy to the water-colour artist and the etcher, so that it would be sad if it were to disappear wholly from the marshes it has adorned for nearly four hundred years.

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Moreover, as I have already mentioned, it is worthy of preservation as a very present help in trouble for those that slice from the eleventh tee at Rye. Could as much be said of all the architectural orphans so carefully nurtured and apparelled by the Office of Works ?

CHAPTER V

CONCERNING ROBERT BROUGH

DUKE. Well, it seems to me to be nonsense !

LADY SAPHIR. Nonsense, yes, perhaps—but oh, what precious nonsense !

Patience (W. S. GILBERT).

I OWE a debt to Robert Barnabas Brough, which I feel I ought to make an effort to liquidate. He wrote the first literary masterpiece that came under my notice. It was called “A Cracker Bon-bon for Christmas Parties.” The book was published by Mr. David Bogue in 1852, a few years before I myself was published. We are contemporaries, but the book has just that touch of seniority which youth rewards with faithful admiration.

In my boyhood you could purchase a copy of a cheap edition in a buff paper cover for a shilling at Lacy’s, now French’s.

Some twenty years ago, having made a rash promise to children, I went into that fascinating storehouse of dramatic literature, and asked for “A Cracker Bon-bon,” by Robert Brough. As I was speaking, it dawned upon me that it must have been thirty years since I last bought a copy.

The youthful and courteous assistant explained that it was out of print—ever so long ago. I noticed that he gazed at me with that pitying but amused curiosity with

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which the peasants in the third act used to regard Jefferson when he came doddering down the Kaatskill Mountains in the last act of *Rip Van Winkle*.

Indeed, I was relieved, when I saw myself in a mirror at the Club, to find that I had not been suddenly endowed with a long white beard and snowy locks. I went in to the library to look for a copy of the work but found none. Although "silence is requested," my woes shouted for sympathy. I detailed them to a kindly friend, but all the reply I received was: "Who was Robert Brough?" This fellow was not a High Court Judge, mind you, but just a human man. It was terrible. For the first time in my life I really felt very, very old. I hastened home and rushed to my book-shelves. I began to fear that my mind was giving way. Perhaps there never had been "A Cracker Bon-bon." A calm joy came over my spirit to find my own treasured little volume in its original red cloth cover, with the coloured frontispiece of Alfred and the Neatherd's wife—Mr. Lacy's edition never had a coloured plate—and all Henry Hine's clever little drawings of the *dramatis personæ*.

"A Cracker Bon-bon" is a humorous Christmas miscellany, with three plays for children to be played in the drawing-room. They are real historical dramas with songs and fights and dances. *Alfred and the Cakes*, *William Tell* and *Orpheus and Eurydice*. Besides these, there are recitations and other humorous items.

As I read it again and chuckled over its humour I began to understand why it had no place in the nursery to-day. In the Victorian age, if we wanted to do a play, we had to

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make our own dresses and scenery. If we wanted music, we had to sing ourselves and play the piano, and if we wanted to draw, we had to labour with a lead pencil, a sheet of cartridge paper and a big lump of india-rubber. These things are done for our grandchildren to-day by the pianola and the camera. Bounderby boasted that he was reared in an egg-box, but the Bounderby of the future will brag that he was born in an incubator and reared in a crèche. Robert Brough and "A Cracker Bon-bon" may, perhaps, have no message for this mechanical age.

I have often thought that in these days of Socialism and compulsion, literary masterpieces should be safeguarded from oblivion. I suppose some authority would have to decide whether a book was or was not a literary masterpiece. There is the British Academy, for instance. Does it ever function in any way whatever? If so, why should it not hold a court and hear and determine the right to immortality of forgotten masterpieces?

There would have to be a petitioner to bring the book before the tribunal, praying for a mandamus of continuity of publication; in justice to the public there must certainly be an *advocatus diaboli* to bring out all necessary pleas of damnation; and looking at the list of the eminent who form the Council of the Academy, omniscient as they are in all matters of literary judgment, I am inclined to the belief that in relation to efforts of humour the petitioner should be entitled to summon a jury, a common jury for choice, and the commoner the jury the better.

It may be said that, if this be so, the necessity for the British Academy to act as a tribunal is not apparent, since

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if the common jury of the public want a book republished they will demand it and it will be done. To a certain extent this is undoubtedly the ordinary course of procedure. The publication of books and plays depends in the main on the demand at the box office. But there are many plays, and even books, which have played in their time to good money, but are not revived because a new generation has not heard of them, and theatrical and literary publishers have enough to do to garner the harvest of their own time.

A notable instance of the revival of a neglected play was that of Gay's *Beggar's Opera*. Its box-office success revealed the hold that a masterpiece of English humour must always retain on the affections of a common jury of the author's countrymen. Nor do these things "date" as much as many managers believe, for it was authoritatively stated that so impressed was the local tax-gatherer with the novelty of the opera that he not only sent his demands for income tax returns under Schedule D to John Gay the author, but on receiving no reply from him, threatened the management with prosecution if they did not disclose his present address.

And though I by no means desire to place Robert Brough on the same step of the throne of immortality with John Gay, yet I have long felt that a little book which contains three of the best children's plays in our language—plays that can be staged, rehearsed and acted by children themselves without the interference of the grown-ups—should not lightly be lost sight of. Such children's plays as do exist are too often written down to the young actors, and are made by well-meaning authors who know nothing

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whatever of the trade of a playwright. To make a sound play, that is to say, a play that will act and get over the foot-lights and satisfy an audience, if reasonably interpreted, is a matter of technical knowledge and skill. A wheelwright who made a wheel that would not run would be justly blamed, howsoever cunningly he had carved and painted his work, and in the same way, no matter what literary beauty there may be in the words of a play, if the wright's work be faulty and it is found that it will not run, it availeth not.

That Brough's children's plays are actor-proof for children, I know from my own experience over half a century ago, when I played in them myself, and I have had further proof of their acting qualities when my own children produced them successfully in the Nursery Theatre Royal. Alas for my grandchildren! Though I could, I am glad to say, borrow enough of these, "by permission" of their respective managers, to produce the plays to-day, yet where are we to find enough books of the words? For each child actor must have the whole play to read and the pictures to look at, and is far too intelligent an artist to be satisfied with his own words and the cues, as grown-ups in the business are, who will come on at rehearsal speaking their words without knowledge or a desire of knowledge as to what the words have to do with the story.

Now the reason that Robert Brough was able to make these little plays actor-proof and entertaining, was that he was a skilled playwright. He knew the mechanism of the burlesque and extravaganza thoroughly, and it has always seemed to me that to write a really good burlesque requires a curious and somewhat rare technical skill. If you read

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the scripts of the successful extravaganzas of the stage, you wonder how an author could have written them, or actors been persuaded to attempt to act them; but the playwrights who made them knew exactly how they would come out on the stage, and why they would entertain, and this knowledge or instinct is no common gift. Robert Brough had this gift and was a natural playwright. He had also a whimsical outlook on affairs, and in his happier moods was a clever jester who could pun with the best of them and write the most admirable nonsense.

Ruskin placed Edward Lear at the head of his list of the hundred best writers. Really beautiful nonsense is a rare literary product, and Robert Brough's song at the end of "A Cracker Bon-bon" is worthy of a place in any anthology of the absurd.

SONG

'Tis sweet to roam when morning's light
Resounds across the deep;
And the crystal song of the woodbine bright
Hushes the rocks to sleep;
When the midnight sky has a sanguine dye,
Of a pale and inky hue;
And the wolf rings out, with a glittering shout,
To-whit! To-whit! To-whoo!

When the pearly wing of the wintry trees
Dashes along the glen;
And the laughing tint of the moss-grown cliff
Haunts the ethereal fen;
When, at burning noon, the bloodshot moon
Is bathed in crumbling dew,
And the wolf rings out, with a glittering shout,
To-whit! To-whit! To-whoo!

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I call to mind a birthday party many years ago when, after dinner, we had an entertainment of home-made charades and songs, as the Victorian manner was, before children were silenced by the gramophones and loud speakers of a happier age. George Grossmith was of the party—the elder George, father of George and Weedon—a great favourite of the youngsters for his merry talk and gifts of recitation. At the dinner-table a discussion arising about nonsense poetry, Grossmith promised to recite to us the best nonsense poem he knew. It was the “Song” at the end of Brough’s book. Spoken by Grossmith with serious emotion not over-stressed, it seemed full of real pathos to his audience, and we were almost deceived by its musical rhythm; for until he reached the last line about the wolf I doubt whether we had realized the really precious nonsense that it was. Like all really great nonsense, if you wish to appreciate it you must not read the print of it with your eyes, but speak it aloud, or, better still, recite it to others. Many worthy people, who are unhappily inapprehensible of nonsense, could cure their deficiency by borrowing a few grandchildren and reading to them “The Hunting of the Snark,” with earnest reverence.

I had at one time a kind of idea that I had seen Robert Brough in the flesh, but that was impossible, for he died in 1860. The delightful comedian, his younger brother Lionel, I knew well in later years, and I seem to have known the sad history of Robert’s short life, and heard the stories of the Bohemian set in which he lived, for as long as I can remember. Many kindly references to him will be found

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in Edmund Yates's "Recollections and Experiences" and Gustave Louis Maurice Strauss's "Reminiscences of an old Bohemian." There is an affectionate memoir by George Augustus Sala in an edition of Brough's novel, "Marston Lynch," 1860. The article in the "Dictionary of National Biography" by Joseph Knight, who knew the works and days of Victorian Bohemia better than any contemporary writer, is authoritative.

Robert Barnabas Brough was born in London on April 10, 1828. His father, who had been in business in Newport, Monmouthshire, was a brewer and a Tory, and is said to have been ruined by political persecution. Robert, who was the third son, had three brothers and three sisters. One of the sisters kept a small dame school at Kensington which I attended when a very little boy for a few months. The older brothers, William and John Cargill, were both writers, and Lionel, the youngest, was the actor. After their father left Newport, he, too, had written some plays under the pseudonym of Barnard de Burgh, and died in 1854.

Robert Brough began life in Manchester as a clerk at the age of fifteen or sixteen. He was fond of art, and in his leisure moments practised as a portrait painter. Whilst still a lad he moved to Liverpool, where he painted pictures, was a keen amateur actor and ultimately started a satirical newspaper called *The Liverpool Lion*. There seems no doubt that much of his early life in Liverpool is described in his last novel, "Marston Lynch," and though doubtless, for the purpose of his fiction, he deliberately remembers the feats of his young days "with

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advantages," yet the story gives a vivid account of his early struggles, his success in London and the picturesque follies of life in Bohemia.

He and his brother William had produced at the Amphitheatre, Liverpool, a burlesque of *The Tempest* called *The Enchanted Isle*. This was seen by Benjamin Webster, the actor and dramatist, by whom it was brought to the Adelphi, where it was produced on November 28, 1848, with great success.

This led to Robert and his brother William leaving Liverpool for London and bringing with them Elizabeth and Ann Romer, their sister wives, who were both connected with the stage. From this time onward they wrote a series of successful burlesques which were produced at the Adelphi, the Lyceum, the Olympic and other theatres.

George Augustus Sala speaks of having first met Robert in 1847. He was then, he tells us, a mere boy who was always weak and ailing and never looked in good health. You may picture him with long hair, a moustache, Victorian side whiskers, a shaven chin and a wan, intelligent face. Sala notes that although he had left the school at Newport where he was educated at an early age, and had neither Latin nor Greek, yet he was always a student, and taught himself plenty of French, some German, and some Spanish, and was a facile draughtsman. That he knew his Shakespeare is shown by the allusions in his writings, and he was, like all the self-educated of the world, a continuous student and reader to the end of his short career.

He was only twenty, and his brother William was but twenty-two when they made their London success. The

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managers, true to type, rushed at them for more burlesques, and the brothers Brough attained immediate popularity in theatrical circles. They were also welcome comrades in that strange society of the Press and the playhouse, the Bohemia that gave one touch of picaresque romance to the drab geography of Victorian London.

For Bohemian London was "a land of chambers, billiard-rooms and oyster suppers : a land of song : a land where soda-water flows freely in the morning : a land of tin dish covers and foaming porter," seen through a haze of much tobacco. Into this vortex plunged the young Robert, freed on the sudden from the bondage of provincial obscurity, raw, half-educated, with little knowledge of the world and its ways, ready to drink deep of the pleasures of success.

His theatrical and literary work brought him into immediate contact with writers like Edmund Yates, Planché, Oxenford, Albert Smith, Frank Smedley, Shirley Brooks, Mark Lemon, and illustrators like Charles H. Bennett, William McConnell and that clever artist Henry George Hine, who afterwards made the pictures for "A Cracker Bon-bon."

The life of a Victorian wit of that day required a sound head and a strong constitution. Poor Robert Brough had neither. He would probably in any event have succumbed to the consumption which threatened him from the earliest ; but his continuous literary work, and his indulgence in social pleasures for which he was physically unfitted, undoubtedly shortened his life.

Besides a long list of burlesques written by himself, or

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in collaboration with his brother, during the short ten years of his literary career, he edited a periodical called *The Welcome Guest*, wrote for *The Man in the Moon* and *Diogenes*—comic rivals to *Punch*—where you may easily trace his hand, and published several full-length novels.

He also edited a paper called *The Atlas*, which may have suggested to his friend Yates the popular title of *The World*; and he had a literary appointment to the Haymarket management under Buckstone. He was also for a short time Brussels correspondent to *The Sunday Times*. But regular journalism, or, indeed, any long-continued literary effort, was always against the grain; and owing to the state of his health prolonged toil was beyond his physical power. Nevertheless, when he could work, his output both for quality and quantity rivalled that of his steadier contemporaries.

I understand that many of his books have a collector value on account of their rarity, but nothing of his that I have read excels "A Cracker Bon-bon" in humour and genuine fun. All the three little plays in this book were popular among children for at least two generations. A Victorian London boy, seldom as he went to the theatre, knew more about the technique of plays than many a grown-up to-day. For he had his toy theatre, painted the scenes, coloured the plates of characters, studied the Book of the Play, and rehearsed the exits and entrances of his *dramatis personæ* with exact care; so that whilst he read the opening words of the scene, the hero on a tin slide would make his "entrance R.U.E." and "take C.," just as Macready did in the same play at Drury Lane. Those toy theatres were a

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real education in the practical affairs of the stage, and those of us who had produced *The Miller and his Men*, *The Maid and the Magpie*, and *The Forest of Bondy* in our own toy theatre, did not want to act in "Little Plays for Little People" written by some well-meaning school teacher. We wanted real plays built by a playwright, with scenes and situations, and these Robert Brough had written for us.

Not only were they real stage plays, but the author had thoughtfully written them in rhyme. Now it was all very well to hold a book behind a curtain of a toy theatre and read out the parts, but when one had to go on the stage and speak one's piece, rhyme was even more necessary to the young actor than a prompter, and indeed did much to lessen the burden of that overworked menial of the amateur stage.

I remember a young lady of ten or eleven of literary tastes writing a tragedy and engaging a company of her young schoolmates to play in it. After the first rehearsal the gifted authoress came to me with tears in her eyes and grief in her heart, complaining that the company were hopelessly incompetent to learn their parts. In fact, a strike had taken place.

"I tell you what I shall do, Pater," she said bravely. "I shall write all their parts in rhyme. What do you think?"

I thought she had made a great discovery. Her own part, which was a star part of inordinate length, was safe in her own hands in either prose or poetry, but as it is always necessary, even to the real stage star, to have minor

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characters on, to say an occasional word and prompt him to a long speech, she had hit on the only way out. The play was in due course produced at a friend's house. I was not fortunate enough to be present, but I heard that it was a play of a highly immoral tendency which was greatly enjoyed by the Victorian audience of grown-ups privileged to see it.

Now Robert Brough's little plays have this advantage over many more celebrated dramas, that the star parts in them do not overshadow the others. Guthrum is nearly as good as Alfred, in *Alfred and the Cakes*, in which piece Mrs. Smith is also a great character part, and even Mr. Smith, who only walks on as it were, has his one splendid chance in his entrance. The rôle of William Tell in the second play is a real star part, but Gesler is a good villain, and the Policeman, Albert, and Tell's Swiss friends, all have their moments and good lines to speak.

That the parts are easy to learn and remember, I can vouch by experience, as I have played most of them, and they remain so clearly in memory that I can to this day repeat many of the speeches accurately. The rhymes of one's childhood, learnt easily, remain with one to the end ; but the prose texts, that we studied and got letter-perfect with trouble and tears, are gone. I would not back myself to-day to repeat my "Duty to my Neighbour," though at one period of my career I was looked upon in my class, when we were called on to run through the Catechism in turns, as perfectly safe either to speak the right words trippingly, or to prompt a laggard neighbour—a doubtful duty to him—even in the most obscure paragraphs.

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To make certain that his plays should be real plays, Robert Brough, like Shakespeare, borrowed freely from his predecessors and improved the material he used. *Alfred and the Cakes* was a skit upon Sheridan Knowles's *Alfred the Great*, which Macready had produced at Drury Lane in 1831. Macready played Alfred, John Cooper, a sterling actor, was Guthrum, and Helen Faucit, Edith. The scene of the cakes is good burlesque of the original and much of the fustian of the author is cleverly parodied.

Although we have little use for Sheridan Knowles to-day, we must remember that no generation has much use for the drama of its grandfathers, and it seems quite unlikely that any of our masterpieces of to-day will see the footlights of our grandchildren. Each succeeding generation has its own plays and a wholesome contempt for the dramatic efforts of its forbears. I have seen *The Love Chase* and *The Hunchback* years ago, and have a pleasant memory of Howe as Master Walter and of Miss Neilson, speaking that charming speech which begins: "Let me tell you what Master Walter says." Literary and dramatic critics of to-day would scorn Sheridan Knowles's plays, but though, perhaps, he was not a great dramatist, he was what this age scarcely possesses, a sound playwright, and Hazlitt spoke of him as the greatest tragic writer of his time. Nowadays, of course, we have no tragic writers.

I remember the Christmas when we first had "A Cracker Bon-bon" given to us. We at once settled down to the task of production, choosing *Alfred and the Cakes* for our first venture, since our family company only numbered four, and in this play there are but four characters, namely,

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King Alfred, Guthrum the Dane, and Mr. and Mrs. Smith, the baker and his wife. Alfred is the star part, which my brother, as the elder, very naturally monopolized. Later on I played it, and I still prefer my reading of it. The tone of sentiment of the drama is, as the author says, homely, "of the hearth—hearthy." We are in the baker's shop. Alfred is discovered. He puts the cakes in the oven ; then coming forward he strikes an attitude and delivers his soliloquy :

"This for a sovereign is no small change,
'But now a King, now thus,' 'tis passing strange,
A monarch who his land's élite forsakes,
To pass his life among a set of cakes,
And close it, far from regal pomp and state,
Though buried 'mongst the ashes of the grate."

The pathetic reminiscences of his glory amid the material surroundings of the bakery are full of emotion, and he winds up in a dramatic outburst :

"And the fermenting bread—in size increased—
Oft calls to mind a rising in the (y)east ;
Which once I quell'd—when that bold rebel, Jackson,
Was hung on high—although a *hang*-low Saxon."

To-day, puns are taboo, but there is much wit and ingenuity in Brough's handling of his material, and Victorian children learned it readily and recited it with point.

After a song, Alfred takes himself off to "the Cheshire Cheese"—a pre-Astorian hostelry, and Guthrum the Dane enters and announces that he is defeated, admitting that

"Since my troops the natives chose to settle,
I've had sufficient of Britannia mettle."

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Guthrum having stolen a loaf and hidden it in his smock, sings a song. Then Alfred re-enters. There is a terrific combat full of thwacks and puns, and the body of the slain Guthrum is carried to the coal-hole. The delay of this fight—a sound dramatic construction—causes the cakes to get burnt. Alfred rushes to the oven :

“ Oh ! Here’s a horrid, burning shame ! All hot !
Soot black ! What fire could thus to ashes turn ’em ?
Unless ’twas kindled with the wood of Birnam.
No wonder that my mind tow’rds Scotland turns.
Methinks I’m in the Land of Cakes and Burns.”

To him, “ enter Mrs. Smith,” who rates him soundly, Alfred admitting his guilt in the appropriate line :

“ I’ve made the ashes and expect the sack.”

But now Smith rushes in with the news of the Danes’ defeat. Guthrum comes out of the coal-hole, and informs the audience that the stolen loaf received Alfred’s stab ; upon which the monarch makes the royal comment :

“ The staff of life, then, warded off my blows ?
Ah well ! You must be pardon’d, I suppose.”

Smith. “ Why, who are you ? ”

Alfred. “ Who ? (*Aside*) With surprise I’ll scare ’em.
I’m simply Alfred—Rex Britanniarum ! ”

Everyone is now forgiven, and Smith being created Master of the Rolls, all ends happily.

The other plays, *William Tell* and *Orpheus and Eurydice*, are dealt with on similar lines and have great opportunities for juvenile actors. Cerberus was always a favourite rôle among the smaller boys who did not want to learn lines.

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There are some good parodies of the best poetry-sellers of the day in the "Miscellany." No one now reads Eliza Cook, but the style of "The Old Arm Chair" is admirably reproduced by Brough in "Cat's Meat." It recites well. The cat's-meat man still exists. I have seen one in Lambeth in recent years. The Pre-Raphaelite description of his cart in this little poem is worthy of Ford Madox Brown.

CAT'S MEAT

Cat's meat !—Cat's meat !
Well I recollect this cry.
Cat's meat !—Cat's meat !
Spite of years gone by.
The batter'd scales—the little cart,
Its creaking wheels, unused to grease ;
The bits of meat on skewers held,
Sold at a halfpenny a piece.
I see them now !—In mem'ry's ear
Hear, jolting on, the tiny van :
And catch his well-remembered tones !
Friend of my youth—the Cat's Meat Man !

Cat's meat !—Cat's meat !
And the square and houses round—
Cat's meat !—Cat's meat !
Echo back the sound :
And Pussy, with her arching back,
And Tiny, Kiddlums, Trot and Tit,
Around me press, with eager mews,
Expectant of the juicy bit.
And to the parlour straight I run,
Or seem to run, as erst I ran,
To fetch the halfpenny, well earned
By the true-hearted Cat's Meat Man.

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Cat's meat !—Cat's meat !
'Twas a spell in times gone by :
Cat's meat !—Cat's meat !
Now, it makes me sigh.
All, all ! are gone—Puss—Tiny—Trot—
Poor Tit they sent away, long miles !
And Kiddlums perish'd in a brawl—
They found his body on the tiles.
With childhood's days have pass'd away
The batter'd scales—the jolting van !
But still I'm quite resolved on this—
I *won't* forget the Cat's Meat Man.

Are there, I wonder, many forgotten books like “A Cracker Bon-bon” that in its day was so deservedly popular and gave a simpler generation so much honest pleasure ? I very much doubt it. It may be said that its style of humour and technical methods are out-of-date. That is, I think, true enough of many of Brough's more important literary efforts. But the children's plays are unique, and as far as I know the only children's plays written by a playwright, with real exits, entrances and situations. These things are among the eternal verities of drama, and are beloved by the actor ; for he, too, like the child, has an insight into the magic world of make-believe, which is not given to the mere scholar or the writer of books.

I do not think we need press too far some of the autobiographical allusions in his writings. He was no doubt a careless Bohemian, but it was a pose of the Victorian free-lance to make himself out a worse fellow than he really was. Nevertheless, there may be some truth in the description of himself to a friend when he wrote the verse :

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I'm twenty-nine ! I'm twenty-nine !
I've drunk too much of beer and wine,
I've had too much of love and strife,
I've given a kiss to Johnson's wife
And sent a lying note to mine—
I'm twenty-nine ! I'm twenty-nine.

We must remember that at this age he was at the height of his popularity as a writer of burlesque, but already the hand of Death had touched him and he knew that he was in a consumption. It is an undoubted fact, and a very consoling one to friends, that this disease seems to render its victims more buoyant than repentant, and maybe these lines of his were written in a spirit of defiance rather than depression.

Had he been spared to a longer life I doubt whether he would ever have written anything more lasting than "A Cracker Bon-bon" or attained to great literary fame as a dramatist. He had a facile pen and a charm of manner that made him many friends. But his health debarred him from work that necessitated sustained energy.

Humorous stories, light essays, burlesque, jests and jokes, mingled with satire and occasional pathos, he could write at will, but the continuous labour of a long book was too much for his strength and his fiction is not to my mind his best work. Indolent he may have been and self-indulgent, but he was never lazy. His output was considerable for a man battling with continuous ill-health. But all his life he was careless of his physical strength, using it with tireless energy in work and spending it in pleasure among the comrades he loved.

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For months before his death his friends knew that his end was approaching, but, like many sufferers from tuberculosis, Robert Brough was full of hope and plans for the future. Towards the end he was persuaded as a last chance to go with his wife to North Wales, in the hope that the bracing mountain air would restore him to health and work. He got as far on his journey as Manchester, where, on June 26, 1860, he died at the house of his brother-in-law, Mr. William Chilton, at the early age of thirty-two.

When his lamp went out, the friends he had made in Bohemian London mourned the loss of a congenial spirit and a loved comrade. "How am I to speak further," writes George Augustus Sala, "and with common fortitude of my dear dead friend?—I who knew him and loved him, and was once young and enthusiastic and poor and miserable with him; who have often lagged behind to let him win the race and fondly hoped to see him one day prosperous and famous; who am not worthier than he and am yet alive the senior and strong."

His friends, one and all, treated him as a beloved child. He was a literary Peter Pan who was probably never intended by Providence to grow up, and that is why "A Cracker Bon-bon" will always delight a real child or a child-like man.

CHAPTER VI

CONCERNING LOVEDAYS

Blessed are the peacemakers : for they shall be called the children of God.

St. Matthew, v, 9.

WHEN I wrote "The Gospel and the Law" and pleaded for the introduction of Conciliation Courts into our legal system, the idea was received by my fellow-lawyers as Quixotic, alien and unpractical. Not one of them seemed to appreciate that the right to promote conciliation was an inherent power of our Courts, and no one seemed to call to mind that in primitive times it was practised throughout the country with business-like results. As in art we have to go back to the earliest painters for beautiful, simple and perfect work, inspired by spiritual ideals rather than a love of gold, and practised by devout men who understood the first principles of their job, so in jurisprudence we must revert to the methods of our ancestors if we wish to rid our Law Courts of the scandal of excessive costs and the dishonour of a legal system under which "laws grind the poor and rich men rule the law."

Although it might not be possible to cite a modern English reported case as an authority for the proposition

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that it is the duty of a judge to promote conciliation and compromise, yet anyone who is familiar with the happenings in our Courts knows that, in fact, judges constantly intervene to persuade litigants and their advisers to come to a settlement, rather than pursue a litigation that may end in the utter ruin of both the parties. This is often successful, but unfortunately under our system it can only be attempted after large sums have been already spent on preparations for warfare.

I am well aware, too, that all wise and honest lawyers endeavour at the earliest to promote conciliation, but their righteous endeavours are too often thwarted by professional brethren, lewd fellows of the baser sort, with lower ideals and more prehensile instincts. It is for this reason that I find it necessary to recall the sane methods of our forbears, who named a Loveday, appointed a daysman as a mediator and sought conciliation as a condition precedent to litigation.

The curious may be pleased to observe the ancience of the principle of conciliation in English Law. Andrew Horn, who compiled "*The Mirror of Justices*," at some time prior to his death in 1328, truly says: "No law forbids peace and accord, and therefore every one may agree with his adversary and release and quit claim his right and his action." We find accord, and the legal effect of it, described in "*Terms de Ley*" as: "An agreement between two or more persons where anyone is injured by a trespass or offence done, or on a contract to satisfy him with some recompense; which accord, if executed and performed, shall be a good bar in law if the other party

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after the accord performed bring an action for the same trespass."

One might also refer to the *concord* or agreement between parties who intend the levying of a fine of lands one to the other, and the quality of a *fine*, *finis* or *finalis concordia* acknowledged by a party before judges or commissioners, the effect of which was "to put a *final* end to all suits and contentions."

Modern statutes like the Rent Restriction Acts sometimes forbid citizens making a concord, the legislature supposing in its unwisdom that it knows better than people themselves what is good for them. Apart, however, from parliamentary interferences, citizens are entitled in law to agree their differences and arrive at accords which the Courts are bound to record. Therefore, if the people demanded that our Courts should be primarily Courts of Accord and should insist upon conciliation being attempted before litigation was permitted, they would only be asking that lawyers and judges should devote their energies to old-fashioned and respectable English legal principles that have been too long neglected.

No doubt it will be objected by Dodson and Fogg, and other pushing practitioners, that the use of Courts of Law for the purposes of conciliation has so long been abandoned that it is to-day utterly obsolete. Indeed, I have heard it contended that a judge has no legal right to suggest compromise and settlement and that Courts of Law are only concerned with litigation. I believe this heresy is prevalent among many lawyers who regard their profession more as a lucrative trade and business than as a

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faculty conferred upon them for the performance of public duties.

There is nothing that Dodson and Fogg react to more respectfully than a decided case in the Court of Appeal. The broad grounds of truth and justice may provoke a smile of derision, but the head-note of a judgment on all fours with the case in hand, which threatens the certainty of costs, is, to lawyers of this class, a writing on the wall warning them that on the day of allocation they may be weighed in balances and found wanting.

They will be interested to note that our American cousins, who still honour the heritage of our common law, have discussed the question of the inherent power of a Court to attempt conciliation in *Harrington v. Boston Elevated Railway*, 229 Mass. 421 (1918). During the hearing of an accident case which was being tried by a jury the judge "called the defendant's counsel to the bench, and not in the hearing of the jury, but while the jury were in their seats, told defendant's counsel that he ought to settle the case, that he ought to be willing to pay a certain sum to settle the case, adding that he did not mean that the Court would set aside a verdict for twice that amount."

On appeal it was discussed whether this was a violation of Article 29 of the Bill of Rights, which runs: "It is the right of every free citizen to be tried by judges as free, impartial and independent as the lot of humanity will admit."

The Appeal Court, the supreme judicial court of

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Massachusetts, held that "the conduct of the presiding judge did not violate the justly strict and lofty standard of our Constitution. It is not necessarily a transgression of judicial propriety to suggest to parties in appropriate instances the wisdom of a compromise of conflicting contentions. It is a suggestion which always should be ventured from the bench with caution. There are cases where the right or obligation at stake is not susceptible of concession without the profanation of principles which rightly may be held inviolable by one or more of the parties. Ordinarily a judge may presume in these days that the possibility of compromise has not been ignored by counsel or parties in cases where compromise is feasible or just."

It appears that in American Courts the duty of a judge to promote conciliation is fully recognized in principle, and where objection was taken on appeal to a judge's endeavour to bring about a settlement, In *re* Nevitt, 117 Federal Reports, 448 (1902), the Circuit Court of Appeals said that the judge's "earnest and systematic endeavours to effect a compromise of this controversy bespeak for him emphatic commendation. The policy of the law has always been to promote and sustain the compromise and settlement of disputed claims. It loves peace, hates broils and dissensions and discourages the prolongation of litigation."

I make no apology for quoting these American decisions at length. Though not binding in our courts, they only restate in modern language the principles of accord, concord and conciliation which have always existed in English law ;

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and though of recent years these ideas have been dormant they are by no means extinct.

Having satisfied myself, and I trust my reader, that the institution of Courts of Accord or Conciliation in our legal system is no revolutionary proposition, but really a reversion to Christian ideals and a useful conservative procedure, I propose to show that our ancestors had a very simple and practical method of establishing concord between disputants which was known to them under the pleasant title of *Dies Amoris*, or, as they called it, the Loveday.

The word seems to have had a double meaning. It signified "a day for a meeting with a view to the amicable settlement of a dispute: hence an agreement entered into at such a meeting." I first got in touch with the importance of Lovedays in English law as precedents for modern Courts of Accord through reading the Book of Job. Job, according to the head-note of the chapter, in "acknowledging God's justice sheweth that there is no contending with him," and in doing so draws an illustration from legal procedure of his unhappy position.

For he is not a man, as I am, that I should answer him, and we should come together in judgment.

Neither is there any daysman betwixt us, that might lay his hand upon us both.—*Job ix, 32, 33.*

Here you have two forms of legal proceedings referred to: the suit at law ending in judgment for one of the parties; the Loveday where the parties appoint a daysman, and he endeavours to bring them into accord and so determine the dispute.

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Miles Coverdale, who uses this word "daysman" in his translation of the Bible, 1535, lived at a time when daysmen had not ceased to exist, although probably they were then approaching the position of arbitrators, in the modern sense of the word, rather than mediators. This we see from letters in the Plumpton Correspondence. William Arthington, writing to Sir Robert Plumpton in 1489, says: "Right reverent and worshipful master, I recomend me to your mastership, certifying you that John Pullan and I meett this day at Castley, which John brought with him Henry Dickenson and John Tomlinson to support him and to testify his talk. Sir, the daysmen cannot agree us so Mr. Mydelton is to make the end."

Another letter of 1431-2 refers to a squire and a man of counsel learned in the law to be appointed as daysmen, and if the said arbitrators do not accord before the feast of Allhallows then "to abide the award of an Noumper." It seems clear then that at this date the modern procedure of each party appointing arbitrators, and if they fail to agree, the arbitrators appointing an umpire to give a final decision, was in full swing; but I fancy the daysmen made a better effort to do their work, without calling in "an Noumper," than modern arbitrators do to-day.

But in earlier times daysmen, as we shall see, had been purely mediators and a Loveday was a day appointed for parties to endeavour reconciliations in order to avoid litigation. Naturally, there are no existing records of what happened at such Lovedays, but that they were very common in the social life of the Middle Ages is abundantly clear from allusions in contemporary writings. The

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concluded agreements were recognized by the lawyers, effect was given to the accord arrived at, and the fact that the parties had agreed to a Loveday had certain legal consequences.

The fact is that from the earliest times the ruinous nature of lawsuits and litigation has always been recognized by the common citizens, who have tried to find economical and efficient substitutes for law and lawyers. In this they have not succeeded. Perhaps they never will wholly succeed, for under certain human conditions litigation is the only known method of securing justice, in the same way as war is the only known method of withstanding tyranny and securing liberty.

At the same time, modern experience seems to teach us that nations and individuals need not continue to live in a continuous and permanent atmosphere of war and litigation, and that in experimenting in methods of peace and conciliation mankind may hope to preserve such small advances in civilization as it has achieved.

That such experiments were made in the past is clear. In Anglo-Saxon times the reports of law cases show how rarely the parties pushed their differences to final judgment. "A compromise was always effected where compromise was possible." In important disputes about the ownership of land you often find bishops engaged in the task of reconciling the parties and thus preventing lawsuits and possible affrays after judgment.

In Selden's "Borough Customs" it appears that in the manorial courts of the fourteenth and fifteenth centuries Lovedays were recognized. "It is wont in every plea to

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give a loveday at the prayer of the parties." The practice seems to have been that if, for instance, an apprentice wanted to leave his master or made a complaint against him the Court would tell them "to take a Loveday." If they could not agree on or before the Loveday, then a summons would issue. The Court would see that each party had really tried to come to an agreement and if an apprentice refused to attend on the Loveday he might be arrested. It does not appear that it was essential that the parties appointed a daysman; they might merely meet together and discuss things. If they agreed, the litigation came to a natural end. If not, the Court proceeded to trial and judgment.

That all the Courts recognized the validity of agreements arrived at on Lovedays seems clear from several passages in Bracton. In writing about Defaults in actions between landlord and tenant and discussing the position of a claimant who has issued a summons to which the defendant has made no appearance, Bracton goes at considerable length into what will happen if, after default is made, a Loveday is taken by the parties before judgment and "no love be made." Unless the claimant has been careful to "take a Loveday" without prejudice, as we should say, then if the Loveday is of no effect he cannot make use of the default, since by taking a Loveday he has "tacitly renounced" his intention of proceeding to take judgment by default.

In the same way, if a defendant has taken a Loveday he thereby waives his right to take the point that the original summons was unlawful, and there is much learning

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concerning the effect of a Loveday on an "essoins," which was a lawful excuse for a default.

Bracton wrote his great treatise on the Laws and Customs of England somewhere about 1250, and it seems clear that at the time he wrote the custom of parties to a litigation pausing on the threshold of litigation to "take a Loveday" was well established, and he refers to it as being done by consent or ordered by the Court at the request of one or the other of the parties. But what is abundantly clear is that the law gave active assistance to parties who desired to settle cases and avoid litigation, and therefore at the earliest moment, before costs were incurred, the Courts seem to have encouraged Lovedays.

How the business actually worked in Bracton's day is illustrated by an account of litigation between the Abbot of Waltham Abbey and the townsmen, who had a difference of opinion about common rights on the marshes. The troubles occurred in 1246. The abbot placed his mares and cattle on the town marsh, or on marshes to which the townsmen laid claim, but the abbot contended these were Abbey lands. It happened that the abbot and his retinue set out to visit the ecclesiastics of Lincoln, and whilst he was away the townsmen raided the marshes. "Into the pasture they go," says the chronicler, and he describes how they drove out the abbot's mares and colts, drowning three worth twenty shillings, spoiling ten more to the value of ten marks, and beating their keepers who resisted them even to the shedding of blood.

When the abbot returned from Lincolnshire he was very wroth. The townsmen, fearing they should be trounced

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for their riot, asked the abbot for a Loveday, submitting themselves to him and proffering to pay damage. The abbot agreed to a Loveday, but on the day appointed it appeared that the townsmen had decamped with their wives and children to London. There they complained to the King that the abbot had disinherited them of their rights, taken away their pastures and would "eat them up to the bones."

The King seems to have referred the matter to the Courts, and the abbot, having first excommunicated the townsmen, next issued a writ in the King's Bench, where, as the chronicler remarks, somewhat wearily, "after many cross-pleadings here too long to relate," the abbot got judgment for amercing the defendants in twenty marks.

Now observe the sequel. The abbot, being a good fellow at heart and having won the day, not only remitted the damages but also assoiled the defendants from excommunication. There seems no doubt that if they had attended on the Loveday the matter would have been settled on similar lines. Personally, I suspect that the townsmen were egged on by some local speculative attorney to take the course they did, and I hope and trust he never got the costs of the many cross-pleadings with which he tried to obscure the issue.

The Church naturally approved of Lovedays, not only because they promoted peace, but also because they gave opportunities for priests and friars to act as daysmen and thereby gain authority and power among citizens. Both William Langland and Chaucer refer to these things. In

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the description of the Friar in "The Prologue" Chaucer tells us that :

In lovēdays there could be muchel help,
For there was he not like a cloisterer,
With threadbare cope, as is a poor scholer,
But he was like a master or a pope.

(Verse 260).

This is a good description of the kind of man who would make a good business daysman, one gifted to talk to the parties, not only with shrewd common sense but with authority, in the manner and speech of a "master or a pope." Lovedays were very successful in the north of England, where folk will always listen to a masterful spirit who begins his exhortations: "Now, look here, I'm not arguin', I'm tellin' yer."

And one reason why the people of the fourteenth century—Chaucer's "Prologue" was written in 1389—were ready and willing to call in the "muchel help" of the daysman friar, was because the cost and delay of law as administered in the King's Courts put justice beyond the reach of the poor much as they do to-day. This we learn from William Langland. "Piers Plowman's Vision" is not only poetry but excellent descriptive journalism of the "condition of England" question as it appeared to a radical who wrote one edition of his book in 1362 and another in 1378-9. What he said about the law and the poor is terribly modern.

To the poor the Courts are a
maze
Law is so lordly
Without money paid in
presents

If he plead there all his life,
And loth to end his case;

Law listeneth to few.

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For "presents," which may mean "bribes," and have happily long ceased to disgrace our Courts, we may substitute "costs" to bring the verse up to date. The following passage, too, would have to contain some reference to the recent development of Legal Aid Societies to make it an accurate picture of to-day. Still, I do not see that the Bar Council could fairly quarrel with it.

There wandered a hundred	in hoods of silk
Serjeants they seemed,	and served at the Bar
Pleading the law	for pennies and for pounds
Unlocking their lips never	for love of our Lord.

And although Langland was an acolyte, and in that way attached to the Church, he was of opinion, apparently, that lawyers should reform their machine and adapt it to the needs of the poor, and he viewed with disfavour the Church aggrandizing itself by allowing clerks to take part in Lovedays and other worldly affairs. He writes very openly about this on more than one occasion :

But now is religion a rider	a roamer through the streets
A leader at the Loveday	a buyer of the land
Pricking on a palfrey	from manor to manor
A heap of hounds at his back	as tho' he were a lord.

It is clear that Langland did not approve of the hunting rector. Yet it is equally obvious that on the countryside he would be, and in fact was, very popular among his parishioners as a daysman.

And that this was so is clear from Langland's description of Parson Sloth, which though probably a highly-coloured picture of a sensual priest, is interesting from my point of view as corroborating Chaucer's statement that a "clerk"

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was a person who could give "muchel help" at a Loveday. In Sloth's confession he says :

I have been priest and parson	for thirty winters past,
But I cannot solfa or sing,	or read a Latin life of saints ;
But I can find a hare,	in a field or in a furrow
Better than construe the first	
Psalm.	or explain it to the parish.
I can hold a Loveday.	I can cast a shires account,
But in mass book or Popes	
edict	I cannot read a line.

Sloth "with the slimy eyes" may have been, from Langland's puritanical outlook on social values, a grossly illiterate, sensual creature. But reading between the lines I think he was popular with the farmers and labourers, and a welcome companion in the field or at the table. The fact that he was an expert at coursing and a good finder of the hare leads me to the belief that he was a judge of coursing—perhaps the most delicate and difficult judicial task known to man. That such a man should be called upon to preside at Lovedays in an agricultural district is not, as Langland seems to think, a bad thing. He would bring to the dispute a knowledge of local habits, a rough-and-ready equity, and a quick grasp of facts, refreshing in an age whose lawyers could not come to grips until they had demurred, joined and rejoined, butted, rebutted and sur-rebutted.

Some of our earlier literary scholars have quite misunderstood these allusions to Lovedays, calling them "meetings for pleasure and diversion." It is quite likely, however, that a Loveday ended in a feast when love was attained, and it is certain that Chaucer's Friar or Langland's Parson

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Sloth would give as much satisfaction to the company as toast-master as he had as daysman.

A good daysman, whether arbitrator or mediator, or mixture of the two, must be a man of the world though he need not be worldly. Some of the ablest arbitrators in the nineteenth century, like William Housman Higgin, Q.C., who was a favourite umpire among Manchester business men, were not only learned in the law, conversant with the facts of life and customs of business, but were especially well acquainted with the ordering and preparation of food, the drafting of a menu and the relevance of vintages to the various clauses thereof.

And that Englishmen of the fourteenth century, like those of to-day, were prone to make concord in business an excuse for a feast is evidenced in public documents of that date. When Edward III, in 1329, was going to France, the City Fathers issued a proclamation, a kind of D.O.R.A., in which it is ordered that "no one of the City of whatsoever condition he be, shall go out of this city to maintain parties, such as taking seisin or holding days of love." Citizens were further exhorted, if they "felt themselves aggrieved, to shew their grievances unto the Officers of the City and they will do them speedy right according as the law demands."

This looks to me as though the proclamation was not only a war-time measure, but a little bit of protection for City attorneys and the interests of the officials of the City Courts, the kind of thing that often creeps into public measures at a time of public danger.

But lawyers as a class have generally opposed Lovedays,

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either in the form of mediation or arbitration. As for arbitrations, they long ago swept them into their legal system and so transformed the old methods of the two daysmen and "the Noumper," that a legal arbitration to-day is as much to be dreaded by a private citizen as an ordinary lawsuit, and is often as costly and ruinous in its result.

Lovedays, as such, are taboo to lawyers as being destructive of costs. Perhaps old "moral Gower" with pleasant pen in hand had this in mind when he wrote in 1390 :

Helle is full of such descord
That ther may be no Loveday.

The fourteenth century was the golden age of Lovedays, when these were real Conciliation Courts or Courts of Accord. They were largely run by clerical daysmen, and when the Reformation came about they lingered on in the north of England, but gradually the lawyers came into their own again and the ideals of concord and accord were relegated to the lumber stores of pious opinions. Even the word passed into disuse. Shakespeare, it is true, uses the word Loveday once :

You are my guest, Lavinia, and your friends :
This day shall be a loveday, Tamora.

(*Titus Andronicus* I, i, l. 491.)

Here Loveday has a double meaning. It is a day for the settlement of differences combined with a marriage day. "Daysman" as a biblical word has had a longer life. But the verb "to day" and the phrase "doubtful daying,"

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meaning, I think, the doubtful efficiency of the result of a daysman's activities, are more or less obsolete. The pity is that the thing is obsolete, and the practical question for social reformers is in what form can Lovedays be best reproduced among us ?

It is as true to-day as it was when, in 1621, Robert Burton wrote his "*Anatomy of Melancholy*," that "he that goes to law, as the proverb is, holds a wolf by the ears, or as a sheep in a storm runs for shelter to a brier: if he prosecute his cause he is consumed, if he surcease his suit he loseth all—what difference?" This is the fate of the common citizen of to-day, and what emerges from this excursion into the ancients of our laws is that this unfortunate condition of things is due in large measure to the stiff-necked conservatism of lawyers and their coarse and uncultivated appetite for costs.

But I claim to have proved two things. First, that in its gospel the Law preaches a message of conciliation, accord and concord, though the rubrics of its services do not lay down any procedure of observance. Secondly, that there is a way out; namely, by the institution of Lovedays with official daysmen whose duty it would be to attempt conciliation as a condition precedent to litigation. Courts of Accord such as I propose have for over a century worked successfully in Denmark, and were championed by Lord Brougham when he pleaded for a legal reformer to arise who would unseal the crabbed book of our law and make it a living letter, no longer the patrimony of the rich but at last the inheritance of the poor.

The poor are very patient over the shortcomings of what

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lawyers themselves justly describe as their “inferior Courts,” but there is a limit to forbearance, and when that is reached, instead of orderly, well-thought-out and sensible reform, old abuses are swept away, as in an avalanche, and good men and good things go with them.

CHAPTER VII

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There is no passion that so much transports men from their right judgment as anger.—*Essays : Of Anger* (MONTAIGNE).

THIS legal drama might be staged as a tragedy or a farce according to the taste or fancy of the producer. If you make the high-souled defendant the leading character you would, I think, cut the actual rough-and-tumble of the fight, and leave the description of it to the tragedian in eloquent passages of triumph, shame and remorse, and the despair of a soul crying out in agony and despair, "Who shall shut out Fate?"

But to the Tadpoles and Tapers of the Green Room and the clubs, the affair was in its day a bubbling farce, made the merrier, as all good farce is, by the herd instinct of cruelty that enables us to laugh our fill over the joyous sight of the indiscretion of respectability, and the comic spectacle of a worthy man stooping to vulgar passion and loss of self-control.

William Charles Macready had just that touch of the churchwarden about him, in his intercourse with his fellow-men, that made the minor fry of the Garrick Club chuckle merrily when he tripped and fell.

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That merry fellow Robert Brough, in a child's play called *Alfred and the Cakes*, winds up the piece with this punning tag :

And in remembrance of this baking fun
Henceforth I'll take the name of Alfred Bunn.

That cherished volume, "A Cracker Bon-bon," which contains this and other parody plays, should be learnedly edited by some Collier or Furnivall, with notes explaining the quaint allusions to forgotten themes. When Alfred takes the name of Bunn no doubt the original audiences remembered that the comic combat between King Alfred and Guthrum the Dane was in many ways a replica of the famous scrap between Bunn and Macready. How many at the present time could tell us anything of Mr. Bunn ? Yet in his day he was a notable character, and has left behind him a quite readable volume of contemporary stage gossip.

In April, 1836, Alfred Bunn was manager of Drury Lane. He was about forty years of age and had come from Birmingham three years previously to join Elliston as stage manager. All the great actors of the day, Charles Kean, Vandenhoff, W. Farren and Macready, were engaged by him during his management and certainly had no reason to complain of the salaries he paid, but for some reason or other warfare between him and his company was continuous and very acrimonious.

Mr. William Archer shrewdly surmises that Thackeray had Alfred Bunn in his mind's eye when he pictured Mr. Dolphin, the great manager from London who came down at Major Pendennis's suggestion to carry off the Fotheringay

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and rescue Pen from her charms. If so, we may think of him as a portly gentleman with a hooked nose and a profusion of curling brown hair and whisker, his coat covered with frog braidings and velvet, and much bejewelled with splendid rings and pins.

"Bunny," as his friends called him, was not altogether a bad fellow. Poorly educated, he made no pretence to culture, and he was not over nice in his conduct of theatrical business. As a manager he belonged to the school of Elliston, his old master. Both were plungers, ready to back their fancy with the box office. They supported their ventures with money and advertisement to the utmost limits of purse and prosperity. If they drew blanks, they did not whine and sweat about their condition, but took off their coats for another tussle.

Bunn was certainly not the squalid ruffian that Macready believed him to be. Planché found the "Napoleon of the Drama," as Bunn called himself, a rough, good-humoured personality, and sincerely admired the plucky way he met his reverses. The manager had a real esteem for Malibran and during her theatrical career showed her much kindness. This continued down to her last tragic hours in Manchester, where, but for Alfred Bunn, she would have been buried among strangers. There are other stories of his kindly disposition which go a long way to make us forget his common manners.

As a host, too, he appeared to better advantage than at rehearsal, when at Eagle Lodge, Brompton, he gave a little supper—over-luxurious perhaps—but pleasantly remembered, in that Thalberg sat down to the piano

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unasked, and the child genius Malibran improvised song. But to a man of Macready's temperament this flamboyant vulgar fellow was anathema from the first. He had perforce to serve under his management, as there was no other theatre than Drury Lane for his purpose. He had joined him in the season of 1833-4. Then the next winter season, Bunn would not have him, and Macready speculated in management on his own at Bristol and Bath, and lost a thousand pounds.

In September, 1835, he again fixed up a contract with Bunn. It was an advantageous business for the actor, but as it did not fill the theatre it was a crippling affair for the manager. Macready was to have £30 a week, play or no play, for thirty and a half weeks from October 1, without interruption. He had a right to refuse any parts of a melodramatic character, and barred certain parts, like Joseph Surface and Rob Roy, in which he was popular. Bunn further agreed to produce Macready's version of *The Bridal* and pay him full author's fees, and there were the usual emoluments for benefits.

The start was not fortunate ; Macready's Shakespearean repertory did not draw. Bunn lost £1,548 in the first fortnight. On October 29, Balfe's opera, *The Siege of Rochelle*, was put up and proved a great success. Macready was left out in the cold and drew his salary for nothing. In November, Bunn made up his mind to produce Planché's version of Scribe's *La Juive* under the title of *The Jewess*. Macready probably displayed bad judgment in refusing the part of Eleazar in this piece ; but he was strictly within his rights under his contract. Vandenhoff

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made a great success in the part. Macready himself described the play as "the most gorgeous pageant I have ever seen upon an English stage," and there is no doubt that Bunn's policy had saved the theatre and the actors from closed doors and bankruptcy.

From this moment the relations between Bunn and Macready were hopeless and impossible. For three months, November, December and January, Macready never played at all, and Bunn paid him his salary. He was paying £226 a week to actors who never crossed the stage. In three months he had to pay out £3,000 to actors who were of no use to him. Meanwhile, Macready was fretting his heart out at the knowledge that the playgoing world preferred opera and spectacle to tragedy, and attributed the position to the villainy of Bunn, rather than to the bad taste of the public. These somewhat squalid details are a necessary prologue to the understanding of the legal drama of *Bunn v. Macready*.

In the actor's diaries you may trace with mournful interest this sensitive and noble-minded man spurring himself into anger and hate of the manager to whom he had bound himself with such untoward results. He tries to laugh at Bunn's "stupid conceit," but there is no hearty jollity in his laughter; it is rather a sardonic smile at the thought that the course of genius can be thwarted by so mean an obstacle.

But he strives to remember and continue the simple piety with which he had entered on his task, when he wrote in his diary on leaving his home at Elstree, to go to London to open the season at Drury Lane, his honest and humble

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prayer : “ that I may receive and deserve success by my care and industry ; or if it be the Almighty’s will that I should be rebuked by ill fortune, I humbly and heartily pray to Him for strength and wisdom to bear it well and to turn it to good.”

How many actors, or indeed how many other men, approach their daily task in so noble a spirit ? For a mind so animated failure must be the more heart-rending. And from the beginning of the season things, as we have said, went badly. Macready himself acknowledged that in his first performance of *Macbeth* he was not at his best. The very next day the diarist is cursing the hour that the profession of the stage was suggested to him, and vowing that he would rather eat a crust than earn money at a trade. A kindly notice in *The Examiner*, deftly quoted by his dear wife when he returns home for the week-end, dispels the “ agonized bitterness ” of his thoughts, but once back in London “ another lie of that scoundrel Hook in the *John Bull*—the disgusting villain ! ” rouses his indignation, and he goes off to the theatre and works it off by giving a splendid performance of *Macbeth*, Talfourd telling him he had “ never seen me finer, if indeed I had ever played it so well.”

But although the newspapers are kindly the box-office receipts do not go up. Bunn wants Macready to play *Othello* and the actor will not, but sticks out for *Iago*. Bunn indulges in a lot of “ gross and blackguard conversations,” the actor is “ very quiet ” and refuses to quarrel, and Bunn becomes as “ civil as a dog.” His friends, Talfourd, Forster and others, are but too ready to listen to

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his complaints of the wickedness of Bunn, and condole with him over his wrongs, thereby feeding the fires of his vexation and aggravating the vanity of his depression.

But his better self conquers, and we find him setting down with resignation that "there seems a destiny which constantly prevents me from reaching that happy point of success which will give recompense to my labour. Like the Hebrew liberator, I see the promised land but am not permitted to possess it. I do not on that account complain of my fate, or lose my energies in despondency. On the contrary, I resolve that I will not yield to this untoward pressure of circumstances. I will diligently persevere in my work of improvement and endeavour to turn my leisure to rich account, waiting the event of time and thankful for what I enjoy."

Would that this sane and dignified frame of mind had remained with him until the end of the season, but he felt that every action of Bunn's was directed against himself and his interests, and that he was "whipped and scourg'd with rods, nettled and stung with pismires," until the Hotspur in him could brook the degradation of it no longer, and he boiled over in unseemly violence.

The climax was reached when Philistine Bunn came to the conclusion, purely for box-office reasons, and without a thought for the artist's feelings, that he would run a combined show of tragedy and spectacle and opera, and announced for April 16, 1836, *The Corsair*, with Macready in *William Tell* as an afterpiece. The actor at first thought of refusing to play and breaking his engagement, but wiser thoughts prevailed, and he appeared and was well received.

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Bunn was not in the least impressed by the self-sacrifice of his acquiescence, and continued to make his further arrangements without any thought for Macready's personal position as a leading actor.

Bunn himself, in his story of his relations with Macready, acknowledges that although he had no intention of wounding Macready's feelings, "I never once thought whether it would please or displease him, my object being solely to make out as effective a bill as I could." This is his excuse for announcing that his leading actor would appear in the first three acts of *Richard III*, with *The Jewess* and the first act of *Chevy Chase*. To ask Macready to play a truncated tragedy in a variety show of this nature was little short of an outrage. "Here was the climax of this dirty reptile's spite; I laughed out in the street at it." But again the laugh had no merriment in it; it was rather a cry of bitter indignation.

His friends and fellow actors express surprise at Bunn's proceedings, but the Garrick Club is divided in opinion, Planché supporting Bunn's action in the affair. Again Macready thinks much of throwing up his engagement, but again his wiser thoughts prevail, and in a state of real unhappiness and discontent, and in a condition of ill-suppressed anger against what he calls the insane and stupid spite of that "miserable scoundrel" Bunn, he determines to fill the bill in accordance with the letter of his contract.

What happened on that strange unhappy night is best told in the actual words of the two actors in the wretched scene that followed. Macready tells us that he went down

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to the theatre "tetchy and unhappy, but pushed through the part in a sort of desperate way as well as I could. It is not easy to describe the state of pent-up feeling of anger, shame and desperate passion that I endured. As I came off the stage ending the third act of *Richard* in passing by Bunn's door I opened it, and unfortunately he was there. I could not contain myself; I exclaimed, 'You damned scoundrel, how dare you use me in this manner?' And going to him as he sat on the other side of the table, I struck him as he rose a back-handed slap across the face. I did not hear what he said, but I dug my fist in him as effectively as I could; he caught hold of me and got at one time the little finger of my left hand in his mouth and bit it. I exclaimed, 'You rascal, would you bite?' He shouted out 'Murder! Murder!' and after some little time several persons came into the room. I was then upon the sofa, the struggle having brought us right round the table."

Macready was persuaded to go to his room, where he was joined by the faithful Forster and some other friends, whilst Bunn's friends looked to the wounds of their damaged chief.

Bunn's account of the affair, which he wrote in his reminiscences some four years later, does not vary greatly from Macready's own confession. There is very small reason to believe that he really intended to ill-treat Macready. He regarded all actors as tiresome unreasonable fellows, always making difficulties and thwarting his plans, and, as we have seen, ran his show without any consideration for their susceptibilities. He does not seem for a moment

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to have understood Macready's half-frenzied condition of mind, and was quite unprepared for the outburst that followed.

"On Friday the 29th April," he tells us, "I was sitting at my desk a few minutes before nine o'clock, and by the light of a lamp so shaded as to reflect on the table but obscure the room generally, I was examining bills and documents previous to their payment on the following morning, when, without the slightest note of preparation, my door was opened, and after an ejaculation of 'There, you villain take that—and that,' I was knocked down, one of my eyes was completely closed up, the ankle of my left leg, which I am in the habit of passing round the leg of the chair when writing, violently sprained, my person plentifully soiled with blood, lamp-oil and ink, the table upset and Richard III holding me down. On my naturally inquiring if he meant to murder me, and he replying in the affirmative, I made a struggle for it, threw him off and got upon my one leg, holding him fast by the collar, and finally succeeded in getting him down on the sofa, where, mutilated as I was, I would have made him remember *me*, but for the interposition of the people who had soon filled the room."

When truce was called, the evidence seems to show that Bunn was on top, and in spite of his injuries caused by the sudden nature of the attack, it looks as though as far as things had gone he was winning on points. Bunn always maintained that he had given Macready no provocation, and had probably intended none; and one rather sympathizes with the cheery sporting spirit in which he writes

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about the affair, because, as he says in his bombastic way, had he expected the visit he would not have been particularly alarmed, since

I was most ready to return a blow,
And would not brook at all this sort of thing
In my hot youth when George the Third was King.

Indeed, Bunn with a black eye and a sprained ankle, was probably a far more cheerful spirit than the repentant actor lying awake communing with his higher self and condemning his rash and wicked action, and wondering to what end of disaster it may involve not only himself but his dear wife and children. He picks up a volume of Johnson's "Lives" which is lying by his bedside. It opens at the account of Savage's unfortunate rencontre with Sinclair. The idea of murder presented itself so painfully and strongly that he threw down the book. Curious that at such a moment fate should open a page for him with the squalid story of Savage's drunken row in Robinson's Coffee House, where he stabbed an unoffending stranger, and was tried for his life and condemned to death. Had Macready read to the end he might have been comforted with the news of the reprieve, and the comment of Dr. Johnson: "When all these particulars are rated together, perhaps the memory of Savage may not be much sullied by his trial."

But Macready's night thoughts were haunted by the knowledge that in all probability the morning would bring him a challenge. He had reduced himself to the level of "this reptile," and he must not shrink from the consequences. Such was the custom and morality of the age

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he lived in, that this great and good man had determined not to shrink from the expiation of the duel. This at least he felt "due to my character and to my children's respect for me." No wonder that in the still watches of the night he cried out that his thoughts were even as a scorpion to him, and that he prayed for forgiveness.

That Macready suffered deeply for the wrong he had done is clear from the solemn thoughts that he sets down in his diary from day to day. The practical Mr. Bunn had no warlike intention of calling Macready out. He satisfied himself with closing the theatre against the actor, and instructing his solicitors to take an action against him for damages. Macready would probably have preferred a duel, but his friends and his wife and children must have been greatly relieved when Bunn's writ was served. Most of the actor's friends stood by him, and Kemble went out of his way to express his indignation at Bunn's misconduct, and the affair was the cause of a reconciliation between the two leading actors. Kemble told Macready that he was glad Bunn had not challenged him, and upon Macready expressing his readiness to have met him if he had received a message Kemble said, "If you were challenged of course you must go out; every man must go out when challenged."

Meanwhile, an offer came from Osbaldeston for Covent Garden, which was accepted, and on May 11, Macready appeared in *Macbeth*, the house rising at him on his entrance and cheering and waving hats and handkerchiefs for several minutes. At the end of the play he made a short but very dignified speech in which he expressed his sorrow that, "suffering under accumulated provocations, I was betrayed,

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in a moment of unguarded passion, into an intemperate and imprudent act, for which I feel and shall never cease to feel the deepest and most poignant self-reproach and regret." Talfourd, Forster, Maclise and all his friends crowded into his dressing-room to testify their delight at his reception, and the night was a complete triumph.

On May 13, he is greatly disturbed by what he calls an attack upon him in *The Times*. When this is looked at one only finds an editorial comment on his indiscretion in speaking from the stage upon a matter which is *sub judice*, and an expression of opinion that "nothing can justify such an outrage" as the assault he had committed.

Process being served, Macready begins to be busy with his lawyers. His friend Talfourd was of course retained on his behalf. The actor finds it hard to understand why the barrister should treat this great cause so lightly. He is humiliated by his advocate's light-heartedness. But Talfourd at the moment was a playwright and full of excitement about *Ion* which Macready was to produce for him on May 26. One could hardly expect him to excite himself about an undefended assault action when the fate of his masterpiece was hanging in the balance.

Macready, remembering this, made generous allowance for his friend's want of interest in Bunn *v.* Macready. The play is produced. It is a great success. Wordsworth is there bowing acknowledgments of the cheers of the audience from his private box. After the play there is a supper at Talfourd's. Wordsworth is there too, and Landor, Browning, Miss Mitford, Ellen Tree, Stanfield and others. It is a delightful party. Wordsworth, with true Words-

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worthian tact, quotes some lines of his own to Macready, who is sitting next to him, and asks his approval of this verse :

Action is transitory—a step—a blow,
The motion of a muscle—this way or that :
'Tis done ; and in the after vacancy
We wonder at ourselves like men betrayed.

Macready is in his most charming mood. He refuses to see any allusion to the haunting topic. Very likely the old gentleman had never heard of his rival, the “poet Bunn,” as *Punch* used to call him. So Macready discourses literature with Wordsworth and Landor and Browning and proposes Talfourd’s health in well-chosen phrases, and after a happy evening he and his dear wife drive home to Elstree, and about two in the morning “went to bed with the birds singing their morning song in our tired ears. Thank God.”

But next day he is back in the world again. The lawsuit hangs heavily on his mind. There are consultations in the Temple. It is determined to let judgment go by default, and allow the Sheriff’s Court to assess damages. Talfourd, forgetting the golden rule that counsel should never prophesy results, tells him that Lord Denman has whispered that he expects the jury will give a farthing. Macready is not so hopeful.

On June 29, the case came on at Red Lion Square before Mr. Under-Sheriff Burchell and a special jury. Bunn suggests that Macready came to the Court, and that his counsel reproved him for the indecency of it, but the diary seems conclusive that this was not so, as he was

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playing at Birmingham at the time. Kemble, Hartley, Cooke and others were there, and the little Court was crowded like a first night at the play. At that date neither Macready nor Bunn could give evidence. There was therefore no reason for them to attend the proceedings, and, in fact, Macready never heard of the result of his case until he got to Brickhill on his way home from Birmingham the next day.

Frederick Thesiger, afterwards Lord Chelmsford, led for Bunn, and contented himself with calling Algar the call-boy to speak to the assault, and several friendly medicals to speak to the injuries he had received. Talfourd made a long speech for the defendant, dwelling as much as he was allowed on the degradations his client had suffered. It was not a great speech, but Talfourd had no instructions to express any regret for his client's action. This was generally regarded as a mistake on Macready's part, but it is clear that to his honest mind it would have been wrong to utter any expressions of regret that he did not really feel. All that Talfourd could do was to be-little Bunn, to praise Macready, and persuade the jury to make a mole-hill of Thesiger's mountain. This he did with considerable energy and success, but in the result the jury, after retiring half an hour, found for the plaintiff with damages £150.

Macready, in his outlook on the duty of counsel, reminds us of Mr. Pickwick. He was furious with Thesiger for his speech for Bunn. It was "gross and scandalous misrepresentation from beginning to end, direct falsehood, most groundless inferences and the basest imputations on my

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character." He rushes up to London to see his solicitor and Talfourd. Talfourd is at the Guildhall, but is called out to a coffee-house in the neighbourhood to pacify the indignant actor. Talfourd expresses his distress and speaks soft nothings about professional licence and the rights of an advocate. Macready breathes fire, and is with great difficulty dissuaded from sending Thesiger a challenge. But Talfourd shook his head. Thesiger, he said, would not go out with him and would most probably move the King's Bench against him on a criminal information.

As a matter of fact, Macready had got off very cheaply considering what he had done, and Thesiger's speech, although it contained exaggerations, was not a very highly coloured statement of what actually happened. Thesiger had used the words "unmanly, dastardly and cowardly," for which, from Bunn's point of view, there was some excuse, but to Macready's highly-strung nature these words were "the mendacious assertions of a fee'd scoundrel." It was with the greatest difficulty that he was induced to let sleeping dogs lie. For a long time he allowed his mind to dwell upon the details of the trial and, like many another unsuccessful litigant, he grew to believe that his counsel had been half-hearted in his conduct of the cause, and he "ruminates" unhappily on the feebleness with which his defence was conducted.

Bunn is equally annoyed with Talfourd's speech, and alludes with disgust to his "series of impertinences, which if he were unprotected by his cloth he would not utter outside the precincts of Westminster Hall." Poor Bunn may well have been disappointed with the law, since only a

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few days afterwards the Court of Exchequer gave judgment against him for £162 in favour of Vandenhoff for arrears of salary, the plaintiff contending successfully that Bunn could not continue the season into the summer months without paying him salary for doing nothing.

The psychology of Macready's attitude in the sad business is curious but instructive. He acknowledged his own wrong-doing to himself and, to some extent, to his friends. But he could not forgive other people who saw the affair in its true light. He was angry with men of the world who exaggerated his error, and he was made miserable by those of his friends who were oppressed by the knowledge of his mistake and did not openly minimize it and seek to soothe his self-respect.

He never forgave Bunn for luring him into so grave an indiscretion. The villain manager continued, like Black Care, to haunt his saddle through the journey of life. If he met him in the street he notes that the cowardly fellow dare not meet his steadfast gaze. When he walks to his chambers from the theatre with Dow, "we talked about the trial—Mr. Thesiger—the scoundrel!—Talfourd and the wretch Bunn." He cannot even speak about Bunn to mere acquaintances without loss of temper, and yet the man himself, his own severest critic, notes all these weaknesses of his own character and ends the record of an angry day, "O fool! fool! fool!"

Even in 1850, just before he retired from the stage, the name of Bunn roused him to absurd anger. His wife, who ought to have known better, writes to him that Mr. Bunn is advertised to appear "on the stage." He sends for *The*

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Times and verifies the announcement, and is indignant that any newspaper should inform the public of "the opportunity to see such a notorious rascal actually upon the stage!"

The real fact seems to be that in his diaries Macready allowed himself a wide latitude of descriptive phrases, that were perhaps the more highly-coloured because of the care he took in the world of society to keep his daily conversation pure and unspotted by scandal or ill-nature. He let himself go, so to speak, and thus one gets the best and worst of the man, and to read Macready's diaries is a really interesting study of human nature, when a reasonable discount is allowed for the effervescence of the moods in which many of the pages were written.

And no ordinary reader studying the actor's own analysis of his feelings can fail to arrive at a high estimate of his moral character. A diarist places at the world's disposal material for deprecation and criticism of the author. But read with sympathy and respect, Macready's diaries portray a more human and a nobler figure than that displayed in the stately marble memoirs of his friendly contemporaries. The long fight that he makes against his passionate temper is magnificent. The picture of a good man stung to physical violence by long-continued petty insults is a poignant drama, and his remorse and humble penitence are as moving as they are worthy of his honest nature. There is nothing unhealthy or unmanly in his repining, and little by little the unhappy incident almost ceases to trouble his mind. He had done a wrong, under great if not intended provocation, and he nobly used the days of his

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suffering to strengthen his mind and character against ever yielding to a similar temptation, so truly did he understand that :

Remorse is as the heart in which it grows :
If that be gentle, it drops balmy dews
Of true repentance.

CHAPTER VIII

CONCERNING THE HUMOUR OF GEORGE ELIOT

Genuine humour and true wit require a sound and capacious mind, which is always a grave one.—*Imaginary Conversations* (LANDOR).

THACKERAY has reminded us that humour means something far more important to humanity than merely the power to create human laughter, though the capacity to arouse pure, honest laughter is in this workaday world of ours a happy gift. But our sincerest laughter is fraught with some pain. True humour, as Thackeray says, “appeals to a great number of our other faculties, besides our mere sense of ridicule. The humorous writer professes to awaken and direct your love, your pity, your kindness, your sense for untruth, pretension, imposture—your tenderness for the weak, the poor, the oppressed, the unhappy. To the best of his means and ability he comments on all the ordinary actions and passions of life almost. He takes upon himself to be the week-day preacher, so to speak. Accordingly as he finds and speaks and feels the truth best, we regard, esteem him—sometimes love him. And as his business is to mark other people’s lives and peculiarities, we moralize upon *his* life when he is gone—and yesterday’s preacher becomes the text for to-day’s sermon.”

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It is in the sense of this passage that we can claim for George Eliot an honoured place in our gallery of English humorists.

Mary Ann Evans was born on November 22, 1819, at Arbury Farm, in the parish of Chilvers Coton, in the county of Warwick. In the same way that the admirers of Thomas Hardy worship him as the tutelary deity of Wessex, we might well claim that George Eliot is the Alma Mater of Mercia, that favoured central kingdom of England whence sprang Shakespeare, Milton and Tennyson. The commanding literary importance of Mercia and the Mercians has never been sufficiently insisted upon. You cannot separate the literary work of George Eliot from the geographical surroundings of her youth. The language of her farmers and their wives is Mercian, and her landscape pictures, limited by the horizon of swelling grassy mounds surmounted by clumps of Scotch firs, are as truly Mercian as Rosalind's Forest of Arden.

Into this homely country George Eliot arrived a hundred and ten years ago. Her early life in the Midlands was monotonous, difficult and discouraging. She devoted herself to domestic life until the death of her father in 1849, quite unaware of the wonderful memories of homely reality which she was storing up for future use, and fretting over the "slavery of being a girl." From that date, until at the age of thirty-seven she wrote "Amos Barton," the outlines of her life are well known. Her visit to Germany, her comradeship with Herbert Spencer, her love of music, her work as a writer of philosophical and critical reviews, and finally her marriage, for such it really

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was, with George Lewes, all have their influence on her work as a novelist.

In September, 1856, she tells us how she began to write fiction. "It had always been a vague dream of mine that some time or other I might write a novel, and my shadowy conception of what the novel was to be varied of course from one epoch of my life to another. But I never went further towards the actual writing of the novel than an introductory chapter describing a Staffordshire village and the life of the neighbouring farmhouses, and as the years passed on I lost any hope that I should ever be able to write a novel, just as I desponded about everything else in my future life. I always thought I was deficient in dramatic power, both of construction and dialogue, but I felt I should be at my ease in the descriptive part of a novel." George Eliot had an instinct against melodrama. Many years earlier, in speaking of a favourite book of hers, Mrs. Gaskell's "*Ruth*," she noted that this authoress was "misled by a love of contrasts—of 'dramatic' effects. She is not contented with the subdued colouring—the half-tint of real life. Hence she agitates one for the moment, but she does not secure one's lasting sympathy; her scenes and characters do not become typical." It was just those "half-tints of real life" that George Eliot herself was to paint with such a sure hand, and it was by her masterly use of "subdued colouring" that she obtained her greatest triumphs of human portraiture and humorous atmosphere. What she was striving after is well expressed by a passage in one of her essays on the writings of Dickens. "We have one great novelist," she says, "who is gifted with

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the utmost power of rendering the external traits of our town population ; and if he could give us their psychological character, their conceptions of life and their emotions with the same truth as their dress and manners his books would be the greatest contribution art has ever made to the awakening of social sympathies." George Eliot herself in her evolution as a novelist strives after psychology, ultimately as we shall see to the neglect of humour, but in all fiction humour is the salt that preserves the compound as food for future generations. Psychology, like theology and politics, has its temporary fashions ; humour is eternal and constant, and reacts to the same tests to-day as in the days of our forefathers. In her earlier work psychology had its place, but it was amply seasoned with humour.

It was at Tenby that George Lewes persuaded her to make that attempt at novel writing for which the world was waiting. She thought of a title, "The Sad Fortunes of the Reverend Amos Barton," and her diplomatic husband on hearing of it at once said : "Oh, what a capital title," "and from that time I had settled in my mind that this should be my first story."

One night, on their return to Richmond, George Lewes went to town, on purpose to leave her a quiet evening for writing her novel. She wrote the eighth chapter of "Amos Barton," from the news brought by the shepherd to Mrs. Hackit, "as Mrs. Barton is wuss and not expected to live," to the end, where the desolate husband is dragged out of the chamber of death. It is only about two thousand words, but it is a masterpiece. When she read it to her husband on his return home "we both cried

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over it, and then he came up to me and kissed me, saying :
' I think your pathos is better than your fun.' "

The publication of " Scenes of Clerical Life " began in *Blackwood* in January, 1857. She had fixed upon the pen-name of George Eliot, because George was her husband's Christian name and Eliot " was a good mouth-filling, easily pronounced word." The literary ability of the stories was recognized at once, for in the Victorian era there was not only an output of worthy literature, but a well-defined body of readers who took an interest in craftsmanship and welcomed achievement. Thackeray, in an early number of the *Cornhill*, referred to George Eliot as " a star of the first magnitude, just risen on the horizon." Dickens writes to her that " the exquisite truths and delicacy of both the humour and the pathos of these stories I have never seen the like of," and with greater critical insight than many of the professional critics, tells her that : " Had I been left to my own devices I should have been strongly disposed to address the said writer as a woman," concluding with this noble message from one writer to another : " I shall always hold that impalpable personage in loving attachment and respect and shall yield myself up to all future utterances from the same source with a perfect confidence in their making me wiser and better."

George Eliot had commenced author and tasted fame and success. She acknowledges to herself that : " Writing is part of my religion and I can write no word that is not prompted from within. At the same time I believe that almost all the best books in the world have been written

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with the hope of getting money for them." It is interesting to me to note that George Eliot, like all great writers, was a believer in the creed of the box office, and in the true spirit of authorship we find her, in October, 1857, setting down in her journal the receipt of £102 for the first edition of the "Scenes of Clerical Life," side by side with the hopeful entry: "October 22.—Began my new novel 'Adam Bede.'"

The humour in each of the "Scenes of Clerical Life" is used by the artist to strengthen the effect of a serious and almost tragic story. As in the Shakespearean drama, the motive of the tragic characters is nearly always built upon the very human foundation of egotism, and the comic ones are based upon a forgivable and humorous exhibition of self-love. We are amused by the self-deception and the conceit of vain imagination in Mr. Hackit, Mr. Pilgrim, Mrs. Patten, and the other good citizens of Shepperton, but they are not thrown at us clumsily by way of comic relief, but painted with elaborate care to form the absolutely necessary background to the tragedy of "Amos Barton."

The story was the experiment of a Master. It required genius to write a tragedy round the life of a middle-aged curate with a wife and six children, crowned by a head-piece "smooth and innutrient after ten years of baldness and supererogatory soap," and after exhibiting him as a dense and stupid martyr to complacent selfishness, to call to our eyes tears of sympathy for him when he throws himself upon his wife's grave clasping it in his arms and kissing the cold turf as he cries out: "Milly, Milly, dost

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thou hear me ? I didn't love thee enough, I wasn't tender enough to thee—but I think of it all now."

Small wonder is it that some have thought that George Eliot excelled herself in "Amos Barton," but although the minor *dramatis personæ* are full of character and humour they are but foretastes of what was to come. Mrs. Patten, the childless widow, "who had got rich chiefly by the negative process of spending nothing"; Mr. Pilgrim, who spoke with an intermittent kind of splutter, having a "pediment" in his speech; Mr. Bridmain, who read two daily papers to qualify himself to talk politics, and was considered by Mr. Barton "a man of considerable political information, but not of lively parts," all these are faint in outline compared with the portraits of her later novels. Good Mrs. Hackit has some of the proverbial wisdom of Mrs. Poyser and could moralize wisely on the uncertainty of life. "I daresay we shall have a sharp pinch this winter, and if we do I shouldn't wonder if it takes the old lady off. They say a green Yule makes a fat churchyard; but so does a white Yule too, for that matter. When the stool's rotten enough, no matter who sits on it." And the old lady, Mrs. Patten, had herself a pretty wit, as when she silenced Miss Gibbs, who had set out to inform the company what course she would take with her husband "if I was a wife," by snapping out: "Yes, it's fine talking, old maids' husbands are al'ys well managed. If you was a wife you'd be as foolish as your betters belike."

As I see it, George Eliot had set herself to paint in half-tones and was as yet keeping the humorous tones too

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low. She sets out her own views of novel writing in the fifth chapter of "Amos Barton." She had no wares for the reader "to whom tragedy meant ermine tippets, adultery and murder, and comedy the adventures of some personage who is quite a character." She was to be the painter of those commonplace folk who form the great majority of the people and are "neither extraordinarily silly nor extraordinarily wicked nor extraordinarily wise," but "are simply men of complexions more or less muddy, whose conversation is more or less bald or disjointed. Yet these commonplace people—many of them—bear a conscience, and have felt the sublime prompting to do the painful right; they have their unspoken sorrows and their sacred joys; their hearts have gone out towards their first-born and they have mourned over the irreclaimable dead."

There are pleasant humours in "Mr. Gilfil's Love Story" that might well be quoted. Nothing is better than Mr. Bates's exclamations when he learned that Caterina was to be treated as a lady in the Cheverel household, "and the raight on't too, for she hasn't the cut of a gell as must work for her bread; she's as nesh an' dilicate as a paich-blossom—welly laiike a linnet, wi' on'y joost body anoof to hold her voice." The old gardener's simile for the beautiful, fragile girl singer is as charming as it is unforced.

The story, you may remember, opens upon the Sunday after Mr. Gilfil's death. Shepperton Church is hung with black and the description which follows is a gentle satire on the etiquette that surrounds the beloved dead. "All the farmers' wives brought out their black bombasines; and Mrs. Jennings, at the Wharf, by appearing the first

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Sunday after Mr. Gilfil's death in her salmon-coloured ribbons and green shawl excited the severest remarks. To be sure, Mrs. Jennings was a new comer and town bred, so that she could hardly be expected to have very clear notions of what was proper, but as Mrs. Higgins observed in an undertone to Mrs. Parrot, when they were coming out of church, 'Her husband who has been born i' the parish might ha' told her better.' An unreadiness to put on black on all available occasions, or too great an alacrity in putting it off, argued in Mrs. Higgins's opinion a dangerous levity of character and an unnatural insensibility to the essential fitness of things.

" 'Some folks can't abear to put off their colours,' she remarked, 'but that was never the way i' my family. Why, Mrs. Parrot, from the time I was married, nine years ago come Candlemas, I was never out o' black two year together ! ' "

" ' Ah,' said Mrs. Parrot, who was conscious of inferiority in this respect, 'there isn't many families as have so many deaths as yours, Mrs. Higgins.' "

The social etiquette and folk-lore of funerals and the pride and self-satisfaction that commonplace people display in a near relationship with the mystery of death, gently touched upon in this human village picture, are the favourite themes of all our English humorists. Dickens fairly revels in Mr. Mould's moralizing on the power of velvet trappings and the "plumage of the ostrich dyed black," to "bind the broken heart and shed balm upon the wounded spirit" of Jonas Chuzzlewit. J. M. Barrie, in "A Window in Thrums," reminds us that in far-away

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corners of the British Isles the Victorian social importance of funerals is still with us. Tibbie, you may remember, had not been "speired to the layin' oot," and was as indignant as a county lady not invited to a hunt ball. "As lang as am livin'," she says, "to tak' chairge o' 'im, Davit Lunan gangs to nae burals 'at he's no bidden to. An' I tell ye, I says to the minister, if there was one body 'at had a richt to be at the bural o' Pete Lownie, it was Davit Lunan, him bein' my man, and Marget my ain sister. Yes, says I, though am no o' the boastin' kind, Davit had maist richt to be there next to Pete 'imself.'" In like manner, George Eliot, in her subdued colours, enters into the old-world social values of the conduct of mourners with true sympathy and humour.

But to my mind it is not until we get to "Janet's Repentance," the third story in the "Scenes of Clerical Life," that George Eliot finds her feet as it were and lets herself go, thoroughly to enjoy her own power of humour. I have often wondered what will be the effect on literature of a too strict liquor control, seeing that some of the best passages of English humour are enacted in that very English institution, the inn. Certainly, unless the "Red Lion" at Milby had been a licensed house, and the spirits of a more invigorating quality than those which now prevail, we should never have heard the real thoughts of Mr. Tomlinson, the rich miller, on education and the evil of Sunday lectures. It is interesting to know that there was a servant question in Mr. Tomlinson's time, and his views on the matter are not dissimilar to those of the well-to-do middle class of to-day. "I know well enough," he says,

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“what your Sunday evening lectures are good for—for wenches to meet their sweethearts and brew mischief. There’s work enough with the servant maids as it is—such as I never heard the like of in my mother’s time, and it’s all along o’ your schooling and newfangled plans. Give me a servant as can nayther read nor write, I say, and doesn’t know the year o’ the Lord she was born in. I should like to know what good those Sunday schools have done now. Why, the boys used to go a-birds’-nesting of a Sunday morning; and a capital thing, too—ask any farmer; and very pretty it was to see the strings o’ heggs hanging up in poor people’s houses. You’ll not see ’em nowhere now.”

The promise of the “Scenes of Clerical Life” was fulfilled in “Adam Bede,” which was published in 1859. It contains the most successful humorous character created by George Eliot. Mrs. Poyser is worthy to rank with the greatest in literature. She can take her place with Sancho Panza, Falstaff, Uncle Toby, Parson Adams, Sam Weller and Micawber. It is noteworthy, too, that she is the one really satisfactory humorous woman character in our literature. There are many excellent comic women full of extravagant comedy of the type of Mrs. Malaprop or Mrs. Gamp, but to my mind Mrs. Poyser stands alone in achievement, equalling Sancho Panza in wit and wisdom, softening our hearts as Uncle Toby and Parson Adams can, and planting her epigrams as surely in the centre of the target as Sam Weller himself.

Mrs. Poyser is the Complete Housewife. A good wife, mother and housekeeper. A managing woman. Nor is

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there a trace of acrimony or bitterness in her wit, nor is there anything elderly or shrewish in her appearance. We see her a good-looking woman, not more than eight-and-thirty—the age of her author—of fair complexion and sandy hair, well-shapen, light-footed, and attired in an ample checkered linen apron, her robe of office. Like Martha, she was cumbered about much serving, careful and troubled about many things; but as long as she could “have her say” about them, she enjoyed life and added to the happiness of others. Proud as Mrs. Poyser was of her famous dairy, she was as good a pessimist as any farmer in the land and always ready to have her say about her vocation in life: “As for farming, it’s putting money into your pocket wi’ your right hand and fetching it out wi’ your left. As fur as I can see, it’s raising victual for other folks, and just getting a mouthful for yourself and your children as you go along. . . . It’s more than flesh and blood ’ull bear sometimes, to be toiling and stirring and up early and down late, and hardly sleeping a wink when you be down for thinking as the cheese may swell, or the cows may slip their calf, or the wheat may grow green again i’ the sheaf—and after all at th’ end of the year, it’s like as if you’d been cooking a feast and having got the smell of it for your pains.” And when people praised her cream and butter she would speak in proverbs, and say: “The smell o’ bread’s sweet t’ everybody but the baker. The Miss Irwines allays say: ‘Oh, Mrs. Poyser, I envy you your dairy; and I envy you your chickens; and what a beautiful thing a farmhouse is, to be sure!’ An’ I say: ‘Yes, a farmhouse is a fine thing for them as looks on, an’

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don't know the liftin' an' the stannin' an' the worritin' o' th' inside, as belongs to 't.' "

In spite of the patent fact of her own happiness in married life, Mrs. Poyser, like all true humorists, made it her duty to warn her servant "gells" on the horrible outlook before them. Should Molly propose to go and help the saddlers in their work by combing wool for them, Mrs. Poyser is at once prophetic: "That's the way with you—that's the road you'd all like to go, headlongs to ruin. You're never easy till you've got some sweetheart as is as big a fool as yourself. You think you'll be finely off when you're married, I daresay, and have got a three-legged stool to sit on, and never a blanket to cover you, and a bit o' oatcake for your dinner, as three children are a-snatching at."

And though she suffered her own man gladly, remembering that "what a man wants in a wife is to make sure o' one fool as 'ull tell him he's wise," yet in her heart of hearts she was rightly proud of him and properly despised women who married a fool for his money. "It's all very fine," she would say, "having a ready-made rich man, but may-happen he'll be a ready-made fool; and it's no use filling your pocket full o' money if you've got a hole in the corner. It'll do you no good to sit in a spring-cart o' your own, if you've got a soft to drive you; he'll soon turn you over in the ditch. I allays said I'd never marry a man as had got no brains; for where's the use of a woman having brains of her own if she's tackled to a geck as everybody's a-laughing at? She might as well dress herself fine to sit back'ards on a donkey."

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Mrs. Poyser's religion was in her daily work. She had no use even for a day's outing, her pleasure was in the works and days of the farm. "Eh!" she said to her husband, as they set off home in the cart, "I'd sooner ha' brewin' day and washin' day together than one o' these pleasurin' days. There's no work so tirin' as danglin' about an' starin' and not rightly knowin' what you are goin' to do next; and keepin' your face i' smilin' order like a grocer o' market-day for fear people shouldna think you civil enough. An' you've nothing to show for't when it's done, if it isn't a yallow face wi' eatin' things as disagreee."

But this attitude of mind related to outside dissipation and not to the conviviality of domestic hospitality. For Mrs. Poyser had no ascetic dislike of pleasure though she was a critic of "pleasurin'." She was entirely out of sympathy with the Methodists, whose method of life did not appeal to her common sense. "For," as she said to Dinah, "if everybody was to do like you, the world must come to a standstill; for if everybody tried to do without house and home, and with poor eating and drinking, and was allays talking as we must despise the things o' the world as you say, I should like to know where the pick o' the stock, and the corn, and the best new-milk cheeses 'ud have to go. Everybody 'ud be wanting bread made o' tails ends, and everybody 'ud be running after everybody else to preach to 'em, instead o' bringing up their families and laying by against a bad harvest. It stands to sense as that can't be the right religion." Certainly it was no religion for Mrs. Poyser. She was happy and at home in her parish church listening to the ministrations of the urbane Mr.

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Irwine: "Him a gentleman born, and's got a mother like a picter. You may go to the country round and not find such another woman turned sixty-six. It's summat-like to see such a man as that i' the desk of a Sunday! As I say to Poyser, it's like looking at a full crop o' wheat, or a pasture with a fine dairy o' cows in it; it makes you feel the world's comfortable-like. But as for such creatures as you Methodisses run after, I'd as soon go to look at a lot o' bare runts on a common." She accepted the world as it is and might be described as a cheerful fatalist. Even the servants and the weather had to be acquiesced in, for, as she philosophically remarked, "As for the weather, there's One above makes it and we must put up wi' it: it's nothing of a plague to what the wenches are." It was not possible for Mrs. Poyser to pretend to herself that things were other than they really were. As she confessed, or perhaps boasted, "I'm not one o' those as can see the cat i' the dairy and wonder what she's come after." She was under no delusions about herself or her surroundings. In this way, always remembering that the worst had not yet happened and that you must adapt yourself to the fools you were surrounded by, she made the best of things in the spirit of her own famous proverb: "It's ill livin' in a hen-roost for them as doesn't like fleas."

For Mrs. Poyser was at her best in the humours of her proverbial philosophy, though these are apt to lose their full force without the cues which lead up to them. The calm temperate commonsense of her sayings is unrivalled. For instance, how sane is the following: "It's poor work allays setting the dead above the livin'; we shall all on us

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be dead some time, I reckon—it 'ud be better if folks 'ud make much on us beforehand, istid o' beginning when we're gone. It's but little good you'll do a-watering the last year's crop."

Many of her proverbs have passed into our everyday language and are received to-day as wisdom of the old world. Thus: "It's ill guessing what bats are flying after;" "Them as never had a cushion don't miss it;" and "If the chaff-cutter had the making of us we should all be straw." These sayings are for all time. One could run on remembering the life and talk of Mrs. Poyser at any length, but it would not assist us in the further understanding of her power over us; moreover, it might remind someone to quote another of her sayings that "Some folks' tongues are like the clocks as run on strikin', not to tell you the time o' the day but because there's summat wrong i' their own inside." Therefore we will end with the suggestion that in this human character George Eliot reached the high-water mark of humorous creation.

A great deal might be said about the humour of "The Mill on the Floss," but though the Tullivers and the Gleggs and the Pullets are all excellent, not one of them to my mind excels Mrs. Poyser. We may agree with Swinburne that "the first two-thirds of the book suffice to compose perhaps the very noblest of tragic as well as of humorous pure idylls in the language," without abating the individual claim of Mrs. Poyser to be George Eliot's greatest humorous character. The tragedy of Mr. Tulliver's life and death overpowers our recollection of his humorous aspect, yet he is a most entertaining personality in the earlier chapters

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of the book. Nothing is more natural and delightful in Mr. Tulliver than his simple, honest valuation of the lawyer, which is peculiarly English in its outlook. Although George Eliot numbered among her friends Herschell, Bowen, and Frederick Harrison, nearly all the lawyers of her fiction are of the type dear to the heart of the eighteenth-century playwright.

The drunken Dempster in "Janet's Repentance" is admired by the neighbourhood as a long-headed fellow because "it shows yer what a headpiece Dempster has, as he can drink a bottle o' brandy at a sittin', and yit see further through a stone wall when he's done than other folks 'll see through a glass winder." Matthew Jermyn and his London agent Johnson, in "Felix Holt," are a couple of scheming melodramatic rascals only fit for the dock. They are tolerated locally because, as the stage coachman reminds the traveller, "It was not well for a lawyer to be over honest, else he might not be up to other people's tricks." George Eliot chose lawyers of this class because they suited her plots, and she followed the literary line of least resistance, which has always portrayed the lawyer as the villain of the piece, because it is a fairly easy thing to do and satisfies the average reader.

For "the man in the street," like Mr. Tulliver, still regards the law "as a sort of cock-fight in which it was the business of injured honesty to get a game bird with the best pluck and the strongest spurs" if you wanted to best your opponent. Tulliver, like many another ignorant man of his generation, regarded education as a form of magic and the brain workers it produced as soothsayers and

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prophets, men endowed with mischievous powers dangerous to common man. For this reason he desired that his son Tom should be "a bit of a scholard so as he might be up to the tricks o' these fellows as talk fine and write with a flourish. It 'ud be a help to me wi' these lawsuits and arbitrations and things. I wouldn't make a down-right lawyer o' the lad—I should be sorry for him to be a raskill—but a sort o' engineer or a surveyor or an auctioneer and vallyer, like Riley, or one o' them smartish businesses as are all profits and no outlay, only for a big watch chain and a high stool. They're pretty nigh all one and they're not far being even wi' the law, I believe; for Riley looks Lawyer Wakem i' the face as hard as one cat looks at another."

Clever and entertaining as her lawyers are in their rascality, there is nothing new or original in her treatment of them, and her outlook on the conduct of legal affairs is common to all popular writers from the days of *Piers Plowman*. Their characters do not convince us in the same way that her country clergy, farmers and workmen do. Dickens and Trollope, without sparing the profession, drew more life-like and humorous pictures of lawyers. The reason of this is not far to seek. George Eliot knew her country people, in the same way that Shakespeare and Walter Scott did, by living among them and talking to them. What she knew of law and lawyers was mere hearsay, and her lawyers are not among her greatest humorous characters, inasmuch as though they were cleverly invented they had never been actually experienced.

With the publication of "*The Mill on the Floss*." George

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Eliot herself felt, as she wrote to Blackwood, that the time had come when she would endeavour to "absorb some new life and gather fresh ideas." She began to plan new creations and went to Italy for inspiration. Fortunately for the world, before she turned her back on the humours of Mercia she wrote "Silas Marner," the story of which, she tells us, "unfolded itself from the merest millet-seed of thought" and "came across my other plans by a sudden inspiration." It was as though she felt the call of the cottages of her old home in her own day, when she was trying to bend her thoughts to the construction of life among the palaces of Italy in a romantic past. "Silas Marner" is full of the most beautiful pathos and sorrow, which might have become cloying and unnatural but for the sterling humours of the company at "The Rainbow" and such honest English characters as Mr. Macey and Dolly Winthrop. Macey has the true proverbial wisdom of the Shakespearean peasant—as, for instance, in his judgment that: "There's allays two 'pinions; there's the 'pinion a man has of himself, and there's the 'pinions other folks have on him. There'd be two 'pinions about a cracked bell if the bell could hear itself." Again, nothing is more true to life than the simple view of life and its comforts expressed by Dolly Winthrop with kindly charity to encourage and hearten poor Silas in his misfortune. "There's no other music equil to the Christmas music—'Hark the erol angils sing.' And you may judge what it is in church, Master Marner, with the bassoon and the voices, as you can't help thinking you've got to a better place a'ready—for I wouldn't speak ill o' this world seeing as

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Them put us in it as knows best—but what wi' the drink and the quarrelling and the bad illnesses and the hard dying, as I've seen times and times, one's thankful to hear of a better."

With regard to "Romola," I have always had the feeling, when reading it, that it was "made with hands." Charles Reade, who admired the Saxon simplicity of the language of "Adam Bede," found in "Romola" that "the petty politics of mediæval Florence were made to sit up in the grave, but not to come out of it." Even George Eliot could not Italianize her very English mind with six weeks in Florence, and Mazzini and Dante Gabriel Rossetti both agreed that the book was not "native." The author tells us she began the book as a young woman and ended it as an old one, and as humour must always depend to some extent on youth, or at least the spirit of youthfulness retained in age, it is not to her great works of a later period that we must look for the best humour of George Eliot. In "Romola," "Middlemarch," and "Daniel Deronda," George Eliot was striving to express great truths wherein humour had no part to play. Even in "Felix Holt," where she returned for a time to her beloved Mercia—"that central plain watered at one extremity by the Avon, at the other by the Trent"—she is so busied with lawsuits, elections, plots of inheritance, politics and labour problems, that she has little time for the common humours of the countryside with which she had delighted the world in her earlier works. She had drawn a great audience around her by her humour, and now they were to sit at her feet and listen to more serious sermons.

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We must remember that from her earliest days George Eliot had been a serious and earnest student. She had a dislike of mere wit, a horror of anything approaching mockery or ridicule, and a shrinking from the enjoyment of laughter. She even carried this so far as to dislike "Alice in Wonderland," because it laughed with children over the behaviour of their elders. Oscar Browning says that, "long and intimately as I have known George Eliot, I never remember to have heard her say a humorous thing, nor have I ever heard a humorous saying of hers repeated by those who knew her better than I did." The truth is that her humour was the outcome of the artist who, finding it necessary to certain characters she was portraying, produced it instinctively from the storehouse of her artist memory.

It was a sort of latent heat given out in the act of creation. In her later books she did not need it. It was not that the tubes were lying twisted and dry in the box, but that she was painting with other and, to her, more beautiful colours.

And though there are passages of humour in her later books, I for my part must build her claim to be a great humorist on the sure foundation of her earlier works, and I find the old sermons contained in "Adam Bede" and "Silas Marner" sufficient for my native simplicity, remembering her own saying in "Theophrastus Such": "One may prefer fresh eggs though laid by a fowl of the meanest understanding, but why fresh sermons?" For even in this last little-read volume there are gems of humour. If the valet, Pummel, in "Theophrastus"

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had walked into the pages of one of her earlier books he would have been in the scenes. He is a delightful character, like a Parliamentary Under-Secretary, never admitting his own inability to answer a question without representing it as common to the human race. As when he is asked : " What is the cause of the tides ? " and he replies : " Well, sir, nobody rightly knows. Many gives their opinion, but if I was to give mine it 'ud be different."

Whatever may be the ultimate literary verdict on the later works of George Eliot, no one, I think, can deny that her claim to a place among our English humorists depends upon her earliest imaginative work. It is there, as Swinburne says, we find that singular perfection, " with its genuine mine of ease and strength, its fullness and purity of outline, its clearness and accuracy of touch, its wise and tender equity, its radiant and temperate humour, its harmony and sincerity of tone." These were great gifts, and they were gloriously used.

CHAPTER IX

CONCERNING CIRCUIT MEMORIES

I count myself in nothing else so happy
As in a soul remembering my good friends.

Richard II, ii, 2.

ARDENT law reformers are wont to scoff at the tenacity with which little towns, like Appleby, Rutland and Beaumaris, cling to their privileges as Assize towns. There has always in legal matters been a jealous feeling between London and the provinces. In early days every cause had to be tried in Westminster. It was Magna Carta that ordered the judges to ride into every county and once a year hold assizes throughout the land.

But you cannot do justice with judges alone, and so it came about that the judge and his clerk and servants were followed by a stately cavalcade of serjeants and barristers and their clerks and servants, and every summer there set out from London to the four quarters of the country a gallant band of lawyers bringing with them the message of the King's justice to the farthest corners of his country. In each county the Sheriff would meet these pilgrims of justice and carry off the Judge to a suitable lodging, whilst the Bar distributed themselves in humbler

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dwellings, meeting daily at the dinner hour to dine at a common mess.

In this way the Circuits were formed. The Bar who followed the judge through Devon and Cornwall called themselves the Western Circuit. There were also Midland, Oxford, Norfolk and Home Circuits. But greatest of all in legend and renown was the old Northern Circuit, which included the broad acres and moors and mountains of Yorkshire, Durham, Northumberland, Cumberland, Westmorland and Lancashire.

This great Circuit remained intact until 1876, when the North Eastern Circuit took away Yorkshire and Durham and Northumberland, but when I joined in the 'eighties there were still many barristers living who had gone on the old circuit and could tell you legends of the old days.

From the very earliest the Circuits, like the Inns of Court, have been centres of fellowship, hospitality and even conviviality. There is a true spirit of fraternity in our oldest trade unions that is worthy of emulation among more modern institutions, and it is upon the Circuits that this is most worthily exhibited, for here the young idea that joins the Bar is taught to

do as adversaries do in law,
Strive mightily, but eat and drink as friends.

I do not think I loved the Circuit less because at Bar mess there was a certain spirit of joviality and misrule that I found highly congenial and entertaining. No doubt these things were, at times, carried to too high a pitch,

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but they had their useful side and the songs and lampoons and jests of a Grand Night were, on the whole, a good influence in restraint of selfishness, jealousy and conceit.

There were some, however, who had not the instinct to suffer these saturnalia gladly. Boswell, for instance, found the members of the Northern Circuit rough and unpleasant company. It is significant that in his great book he never refers to John Scott, Lord Eldon, and it is thought he never forgave him the trick that lively member of the old Circuit played upon him at Lancaster. One night after Bar mess Scott and other circuiteers found Jemmy Boswell lying on the pavement very drunk, and took him to his lodgings. The conspirators then subscribed a guinea for him, and half a crown for his clerk, and sent him next morning a brief with instructions to move for a writ of *Quare adhæsit pavimento*, with observations calculated to induce him to believe that this required much learning. The little Scots lawyer swallowed the bait. He ran round to the attorney's to borrow books, but in vain, and rushed breathless into Court and moved for the writ, quoting learned passages from his brief.

At length the judge in amazement said: "I never heard of such a writ. What is it that adheres to the pavement?"

"My Lord," said one of the serjeants, "I understand from my learned friends that Mr. Boswell last night *adhæsit pavimento*. There was no moving him for some time. At last he was carried to bed and he has been dreaming about himself and the pavement."

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Everyone but little Boswell thoroughly enjoyed the jest.

Eldon himself has a curious story to tell of his early circuit days. There was a hospitable attorney at Lancaster named Fawcett, who used to entertain the Bar. On one of these occasions Lee said to his junior, Davenport, that he would not leave the wine. Davenport refused to go. Whereupon Lee said: "Now, young Scott, you are with us in the case; you go off and work up the brief and wait up until we come to consultation."

John Scott, much to his disgust, did as he was told. Presently Jack Lee came in very drunk. "I cannot consult to-night," he said. "I must go to bed," and away he went.

Davenport came in next and said to the attorney, who was sitting with Scott: "We cannot have a consultation to-night. Don't you see how drunk Mr. Scott is?" And he staggered off to bed.

The next day they lost the case, the leaders knowing nothing about it. However, they moved for a new trial, and Lee and Davenport paid all the costs out of their own pockets. At the next Assizes when the case was called on, the judge leaned over his desk and asked counsel: "Gentlemen, did any of you dine with Lawyer Fawcett yesterday? For if you did I will not hear this cause until next year."

The customs of conviviality have altered, but the hospitality of the North remains. And there were many ancient Circuit usages that prevailed in my time and continue to this day. The ritual of Grand Court is, as the records of the Circuit show, of a very old tradition, and

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some of the customs which still obtain date back undoubtedly to very early times.

The calling of a Court is a strange ceremony. The junior, who is our chief and responsible chairman, orders a Court to be called. The Messenger goes to the door and locks it. The Crier "cries a Court," and then the Attorney-General or Solicitor-General of the Circuit proceeds to deal with delinquents, and these are "condoled with or congratulated" in the usual manner by being ordered to pay fines to the wine fund.

Before an absent member was fined he was called into Court by the Crier, who showed much ingenuity in inventing abusive and alliterative epithets. There were always three of these, and they were sometimes witty as well as allusive to the habits of the victim. Such customs are evidently handed down to Bar mess from the Elizabethan day and seem to be adapted from the grotesque saturnalia of the Mock Courts held by "the Lord of Misrule" in the Temple at Christmas time. Isaac Disraeli in his "Curiosities of Literature" gives some instances of the early Criers' wit, in which he calls into Court one of his King's subjects under the opprobrious title of "Sir Bartholomew Bald-breech of Buttock-bury in the County of Breakneck."

It is to be hoped that such Circuit Records as still exist will be carefully preserved, as they are undoubtedly valuable records of ancient, if not perhaps very sensible, customs. In my day they were held in high honour, and just as Counsellor Pleydell was ready to repeat witty but fescennine verses, for the amusement of a jovial company of

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his legal comrades when they indulged in "high jinks" at Clerihugh's, so the leaders of the Northern Circuit, who were called to the offices of Attorney- or Solicitor-General to the Circuit, would on festive occasions compose for us doggerel stanzas and much prose run mad, not unspiced with the coarse wit that pleased our Elizabethan ancestors.

Some grave and learned men have sought to abolish Grand Court and its revels. The late Lord Phillimore, for instance, when he visited us, did not ask after dinner to hear the latest Circuit song. But Day and Coleridge, of all people, were not afraid to unbend and enjoy in camera the revelry that recalled to them their own early days on Circuit.

I am bound to admit that when I joined the Circuit there was a great deal of language uttered that might give pain to the highly-cultivated and fastidious ears of a Home Secretary who had never been at the Bar. This coarseness of language was, I believe, a Circuit tradition. It belonged rather to the eighteenth century than our own, and more than one old member of the Circuit would have held his own with Squire Western in a bout of unsavoury Doric. A curious character on the Circuit was George Cooper, much my senior, whose vocabulary was "extensive and peculiar." A scholar and a lover of flowers and dogs, his anecdotes and the language of them were of the age of Chaucer.

He attended sessions and assizes to prosecute and occasionally defend prisoners. He had chambers in a single room in Preston where he kept his bag of robes. He once

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invited me to enter his chambers, a rare condescension. The room was bare of furniture, except for a large glass case, such as stuffed fish are kept in, over the mantelpiece. This contained the wooden spoon which he had received at Cambridge. In one corner of the room was a stack of bottled beers and stout; in another, empty bottles lay in confusion. There were glasses on the mantelpiece. He flung his robes in a far corner, and we drank the health of the wooden spoon.

George was a kind-hearted fellow and put some small briefs in my way at sessions. He was a well-read man and liked to talk about books, and I kept him to that subject. One day, hearing my wife was ill, he brought me some beautiful roses he had grown, and I could not help saying to him, "I suppose you do not have to manure your rose trees but just go out and talk to them." He accepted the idea as a gracious compliment, and immediately reminded me of the story of the cabman, which he told with advantages, who, being rebuked by Dean Farrar for his terrible habit of swearing, indignantly replied: "'Abit, guvnor! 'Abit! It's a blinkin' gift." And, indeed, too many of us cherish "'abits" as though we regarded them as gifts.

When I joined the Circuit in 1886 it contained a great race of advocates, and their successors have, perhaps, in some ways bettered their examples. The style of advocacy in fashion on the Circuit was a bluff, business-like attack on the main point of the case, based on the traditions of Holker, who had received them from Scarlett. Florid eloquence was at a discount. Charles Russell had just gone special, and Gully was the leader of the Circuit. He

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was a charming leader and most patient and considerate to his juniors. I once heard a north-country juror say to a companion coming out of Court : " I like to listen to Mr. Gully, he speaks so gentlemanlike." Yet he had considerable strength and fighting force if he could be roused to use it, and a pretty wit of his own. As witness his application to Lord Coleridge at the end of a case for a stay of execution, " in order to consider more at leisure some of your Lordship's observations."

Charles Russell was certainly one of the greatest advocates I have ever listened to, but he relied in great measure for success on overbearing his opponents and the Court by the weight of his personality. His manner and language were at times of the roughest. A solicitor of my day used to relate with some pride his first introduction to Russell. He was an articulated clerk, and his chief, Mr. X, had sent him down to the Assizes at Manchester to deliver to the great man an overdue brief. He found Russell alone in his room and laid the papers respectfully on the table. Russell looked at them angrily, and with several curses and imprecations on the clerk and his chief and the late hour at which the brief was delivered, hurled it into a corner of the room.

The young man walked to the door, and, turning round, said in the calmest voice : " Mr. X's compliments and he will be with you at nine-thirty to-morrow morning."

Russell shouted to him to come back.

" Go and pick up the damned papers. I suppose I must have a look at them."

Whereupon the young man in emphatic language,

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following accurately every maledictory precedent set by the great leader, told him to pick the brief up himself or seek a hotter climate.

But this really pleased Russell vastly. He loved to have someone stand up to him. It was a real luxury to him to be sworn at. He commended the young man in very kindly terms and paced across the room to where the brief lay. The young man, relenting and courteous, rushed to forestall him. They brought the papers back to the table hand in hand, and Russell afterwards spoke in the warmest terms of praise to Mr. X about the ability of his articted clerk and remained his firm friend in the future.

Truly in the house of Advocacy there are many mansions, and an entirely different type of advocate from Charles Russell was John Addison, an excellent defender of prisoners. He was a smiling, stout and courteous cherub, always edging along to the jury box and nodding and chatting and beaming to the jurors and wheedling them into the belief that the discovery of the prisoner's innocence was entirely due to their superhuman intelligence. No one could muddle up the affairs of the prosecution with such skilful irrelevance as Addison. No one could more honestly misstate the law of the matter—for he was not a great lawyer—and when the judge reproved him no one could say more effectively: "Gentlemen, I am obliged to his Lordship. His Lordship has put in a few clear words exactly what I was trying to say."

Addison had a curious lisp when he came to the letter "r" that softened his speech strangely. So had our

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friend Sington, but he managed it quite differently. The latter was prosecuting a man at Preston Sessions for stealing rabbits. Addison defended.

"May it please you, sir, Gentlemen of the ju'y," said Sington, opening the case, "the p'isoner is charged with stealing yabbits."

"Stealing what?" cried Higgin, the chairman, rather angrily.

"Yabbits, sir," repeated Sington more loudly.

"Yabbits?" repeated Higgin with a puzzled look.

"My Lord," said Addison, who always addressed chairmen of Quarter Sessions thus, "My Lord and Gentlemen," he continued, beaming with superior intelligence, "My fwend means wabbits."

There was a theory among the juniors that Addison tried to look as big as Sam Pope to attract the attorneys to his merits, but that was impossible. As the Circuit poet sang in the doggerel of the day,

Sam Pope may swagger,
Sam Pope may gas
And collar the briefs all day,
But he can't see his knees without aid of a glass,
Because he ain't built that way.

Pope was not only a great advocate but a most kindly and hospitable man. He did not come Circuit in my time, but he was Recorder of Bolton, and was always ready to make an excuse to visit the North. I remember him coming down to preside at a farewell dinner we gave to Falkner Blair when he was made a judge in India.

Blair was an eloquent speaker, a far better lawyer than

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people thought, and had a ready wit. One of his jests is a Northern Circuit classic. He was taking some ladies round the Courts during the luncheon hour when they came across a sheaf of antique spears which the sheriff's javelin men had piled in a corner of the corridor outside the judge's room.

"Whatever are those used for?" asked a lady, gazing at them admiringly.

"Those, my dear madam," replied Blair promptly, "are used by the Judge in the Crown Court when he charges the Grand Jury."

Blair was an excellent Circuit officer, and there must be many of his sallies on the pages of the Circuit records. I remember a topical alphabet he wrote and recited with great effect, "featuring," as one may say, all the circuiters. Dr. Pankhurst had just brought an action against the *Manchester Courier* for calling him an atheist, and Blair was ready with the couplet:

P is for Pankhurst of whom it's a libel
To say that he doesn't believe in the Bible.

Dr. Pankhurst was very popular among his Circuit-comrades. He was a keen controversialist, a scholar and a shrewd and witty talker. He was too ready to wound the feelings of religious men by frank discussion of what were to them holy things, but apart from this trait he was an entertaining companion. He would startle the staid elders of Bar mess by telling them that if he had any choice in the matter he would choose "Heaven for the climate but Hell for the company," but there was always the flavour of wit in his wildest sayings.

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He was not a great or successful advocate. His voice and manner were against him. He was too eager and full of enthusiasm to see any weakness in his own case, and his ungainly gesticulation and shrill falsetto voice at intense moments became almost ridiculous.

As a naughty circuit rhymers wrote in "Blair's Lament on going to India":

When I hear in the midst of the jungle O
The shriek of the wild cockatoo,
I shall jump out of bed in my bungalow
And imagine, dear Pankhurst, 'tis you.

Although Pankhurst was much in the world's eye as a social reformer in those days, he cannot be said to have left any very permanent mark behind him. An entirely different character, but a man whose social worth will never be forgotten, was Charles Hopwood, then Recorder of Liverpool. He was one of the wisest and best criminal judges I have ever known. In those terrible days men and women were sent to long terms of penal servitude for trifling offences. It was not that the judges were hard-hearted men, but they had been brought up in an age of coercion and severity.

Charles Hopwood, with deeper human insight, showed them their error. When he first sat at Liverpool he referred to the record of a poor woman who had served twenty-two years' imprisonment for pilfering five or ten shillings' worth of food. He set the example of short sentences, and in spite of clamour and criticism proved that his system did not create more criminals. What converted

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the world to his views was his statement to the Liverpool citizens that after a few years of office he had saved the community £28,000 in prison costs. It was then that business men saw that there was sound sense in Hopwood's method, and that, as an Irish colleague said, "he has indeed taught us what a beautiful thing it is to temper mercy with justice."

And though Hopwood was a good religious man he could, like that famous colonial bishop, "enjoy a joke as much as you and laugh at it as such." I well remember Charley McKeand on one occasion appearing before him when he was trying prisoners in a third Court as a Commissioner on the Assize.

McKeand was a lovable, happy-go-lucky fellow, very popular as a defender of prisoners for the breezy, cheery and capable way he went about his business. That day he was full of business, running about from one Court to another, and Ernest Jordan held his brief for him in the case before Hopwood. It was a trumpery case of an oft-convicted woman for stealing boots. McKeand rushed into the Court at the last moment to make one of his robustious, jovial, common-sense addresses that juries loved. He knew little about the facts, but that kind of speech suited any common case. Coming to the end of his harangue, he said: "And what, gentlemen, did the poor woman say to the magistrates? I will read you her very words, and I think you will agree with me that they bear the stamp of conscious innocence." He seized the depositions and turned them over, Jordan trying to stop him.

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“Let me read you her exact words. Ha! Here we are. Oh! H'm! Well, gentlemen, this uneducated woman does not put it as you or I or my Lord would put it, but I said I would read her words and I will. What she says is: ‘How the Hell could I have the blinkin’ boots when he was wearing them?’ and, gentlemen,” continued McKeand, striking the desk with his fist in a final burst of eloquence, “I ask you with some confidence, how the Hell could she?”

There was an outburst of applause among the friends of the prisoner that was at once suppressed, but this gave us the opportunity of persuading McKeand that he had been very offensive to Hopwood and ought to apologize. This, my dear friend at once agreed to do, and we all went in to hear him. Hopwood listened gravely and pleasantly, and almost immediately intervened, assuring him that had he heard any word from him that was wanting in respect to the Court, he would have called his attention to it at once, but that, if his memory served him, all his remarks were strictly relevant to the issue.

Hopwood's name will long be held in honour at Liverpool now that his penal theories have been adopted throughout the country. But Liverpool's own favourite counsel in those days was Bigham, better known to a modern generation as Lord Mersey. This unique cognomen he is alleged to have chosen because, as he modestly said, “That will leave the whole of the Atlantic for F. E. Smith.” It seems strange that I should have left the Circuit before the star of Lord Birkenhead had dawned, but so it is. Bigham, to my mind, was the best cross-examiner I ever heard. Calm

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and deliberate in his method, his alert and quizzical eyes gazing through or sometimes over his gold pince-nez, he treated the witness as Izaak Walton tells us the frog should be used when you put the cunning wire through his mouth and out at his gills, "and in so doing use him as though you loved him, that is harm him as little as you may possibly that he may live the longer."

He had, too, a dramatic instinct for the staging of a case, as it were, and calculated to a nicety the time for bored silence and weariness with an opponent's conduct, or sudden and indignant objection at a question put, or profound and reverent attention to judicial wisdom, or a nod of pleased approval at a jurymen's question.

I remember being in a long case at Manchester tried before Gully. Bigham, Q.C., and I were for one defendant, and Ambrose, Q.C., Bradbury and Sutton were for other defendants. It was an action brought against the trustees of a building society, and we were all much in the same boat, but our best way out led through the paths of statutory technicality. What an admirable judge Gully would have made! I can see him, calm, dignified and courteous, dealing with that dreary, wrangling confusion of books and papers. Bigham was too busy to come near the case, but left me in charge with strict instructions to cross-examine no one, unless this was necessary to insure that certain books and papers were proved. The other counsel fought with plaintiff's counsel, objected to evidence and cross-examined the plaintiff and his witnesses with great vigour. Every afternoon Bigham would come into the

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Court, and rising at a pause in the proceedings, coolly propose that as his client took no real interest in the proceedings and had really no case to meet, and as the plaintiff was a poor man, he and I would walk away at this stage and ask for no costs. It sounded very charitable, and the drama of it appealed even to Gully, but it maddened counsel for the plaintiff.

When the plaintiff's case was closed, Bigham popped in again. He referred to a few cases and documents, and in a quarter of an hour his client was dismissed from the suit with costs. Not so the others. They had raised a dust of controversy, and now they had to allay it and emerge into the light again. It took a lot of doing. There was no essential difference between the several defences. "It was the riding that did it," as Palmer said. As we left the little Court and Bigham looked over his shoulder at Ambrose, plunging into a strenuous legal argument to explain his position, he shook his head with a sigh, saying, "Sweet are the uses of cross-examination which, like the toad—well—you know the rest." In the art and craft of cross-examination, Bigham was certainly a master, and only Russell could better him in execution.

A wholly different type of advocate was Shee, and one of the few speakers capable of real eloquence in the defence of prisoners. It was a puzzle to me why he was so slow in attaining the high position at the Bar his merits entitled him to fill. He was exceedingly hard-working but too diffident of his own powers. His face in repose, though full of intelligence, was almost ugly, of an Irish type with a distinctively aggressive up-turned nose. As a libellous

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Circuit songster trolled out one evening to the tune of "She wore a wreath of roses" :

Shee held a brief with Moses,
The day when first we met.
The unlikeness of their noses
I never shall forget.

But once he warmed to a speech in which his heart was prompting his words, his face was transfigured by energy, force and earnestness, and his eloquence cast a spell on his hearers. Indeed, I remember no one who quite achieved that in my day except Shee.

He had a pretty wit, too. When Coleridge was puzzled with the Lancashire dialect he came cleverly to the rescue. The witness had said :

" I tow'd 'im if 'e didn't 'owld 'is noise I'd knock 'im off 'is blinkin' peark."

" Peark ? Mr. Shee, what is meant by peark ? " asked the Lord Chief.

" Oh, ' peark,' my Lord, is any position on which a man elevates himself above his fellows. For instance, a bench, my Lord ! "

Coleridge himself could say a clever thing, especially if it expressed dispraise. He and Henry Wyndham West, the Recorder of Manchester, were not, as the old actor said, " cater-cousins."

" What does West do ? " asked Coleridge, in a pitying tone, of an old member of the Circuit.

" He is a Recorder of Manchester."

" Dear me ! "

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"And Attorney-General for the Duchy of Lancaster."

"Really!"

"And Judge of the Salford Hundred Court of Record."

"Dear me! Dear me!"

"And prosecuting counsel for the Post Office."

"You don't say so," said Coleridge, throwing up his head in astonishment, "what a lot of outdoor relief the fellow has!"

West himself, too, was not over-careful of the feelings of others. A typical Whig aristocrat, he was not popular with the Manchester merchants. When he was first appointed Recorder he was asked why he had not been at the Mayor's dinner and replied: "I am paid to try the Manchester criminals, not to dine with their Aldermen."

He had a contempt for Manchester and its commercial ideals, and had a secret idea that all commissions were dishonest. I remember walking up with him from Strange-ways one summer afternoon. I can see his tall figure, correctly garbed in black with his white top hat—the only one in Manchester, I think, except Sir William Cobbett's—striding along with his hands behind him, inveighing against commission agents and their commissions. As he finished he stopped and, looking at me sternly, said: "I tell you what it is, Parry. If a Manchester man sold his soul to the Devil, some fellow-citizen would sue his executors for a commission on the transaction!"

I was tempted to tell him that both parties would apply by consent that he should be appointed to go down and take evidence on commission, but I amended his name to that of Coleridge and he smiled approval.

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And as I write these words I seem to see the long table with Gully, Hopwood, Henn Collins, McConnell, Charley McKeand, Blair, Shee, Addison, Louis Aitken and many another old friend and comrade, and I hear the throb of Elia's lament in my ears :

“ I have been laughing, I have been carousing,
Drinking late, sitting late, with my bosom cronies,
All, all are gone, the old familiar faces.”

It is a rash hazard to vex the ears of strangers with these twice-told tales of the old Circuit. We live in an age which looks askance at the old-fashioned ritual of hospitality and conviviality. To me the old tales are the best tales, and, indeed, I often doubt whether there are any new tales, and when I rehearse the tribal lays of the old Circuit I am probably telling stories that were told of Scott and Eldon in the old times and will be retold in ages to come of the Hewarts and Smiths of the future.

There must be a stop to these garrulous memories of mine lest I grow as wearisome as my long-winded old friend Leresche, of whom Russell dreamed that on the Day of Judgment when Leresche was put into the dock the Angel Gabriel announced in a trumpet voice : “ No other case will be taken to-day ! ”

CHAPTER X

CONCERNING THE EARLY WRITINGS OF LEWIS CARROLL

And take my word for this, reader, and say a fool told it you, if you please, that he who hath not a dram of folly in his mixture, hath pounds of much worse matter in his composition.—*All Fools' Day* ("The Essays of Elia").

CHARLES LUTWIDGE DODGSON, better known to the world as Lewis Carroll, was born on January 27, 1832, at Daresbury, near Warrington, of which parish his father was then incumbent. As a young man, while he was still at Rugby, he amused himself and his family by bringing out local magazines of a topical and domestic character, the pictures and writing of which were almost entirely his own. Mr. Collingwood, his biographer, gives some amusing extracts from *The Rectory Umbrella*, 1849. Later on there was another periodical called *Misch-Masch*, but both these were purely private and family affairs.

It is said by his biographer that his first literary work published to the world was contributed to the *Comic Times*. The first number of the *Comic Times* was dated Saturday, August 11, 1855 (not as Mr. Collingwood has it, 1853). At this date, Lewis Carroll, who was resident in Oxford, was twenty-three years old. He had recently taken his degree and had been appointed Sub-Librarian at Christ Church. In June of this year he had visited London, and an extract from his journal shows that he went to

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the Princess's Theatre where he saw Mrs. Kean as Queen Katharine in Henry VIII. We are told that it was through Frank Smedley that Lewis Carroll became a contributor to the *Comic Times*, and it would be exceedingly interesting to know how young Dodgson, who had spent his life at Rugby, Oxford, and in family country rectories, and was looking forward to ordination, should find himself one of a band of clever, if somewhat Bohemian, literary men in London and a welcome contributor to their journals.

The *Comic Times*, of which I have unfortunately been unable to discover a copy, was a venture of Mr. Ingram, the proprietor of the *Illustrated London News*. In 1855, Edmund Yates, who was then about four-and-twenty, and had contributed light verse to the *Illustrated London News*, was sent for by Mr. Ingram, who was at warfare with Bradbury and Evans, and commissioned him to start the *Comic Times*, which was to be issued at a penny and was intended to be a thorn in the side of *Punch*.

Yates started off with youthful enthusiasm, and Bohemia met him with open arms. Frank Scudamore, W. P. Hale—"Billy" Hale immortalized in Thackeray's quip: "Good Billy Hale, take him for half-and-half, we ne'er shall look upon his like again"—John Oxenford, George Augustus Sala, the Brothers Brough—William Brough and Robert Brough, "Bill" and "Bob" in the taverns of Bohemia, or when their backs were turned "clean Brough and clever Brough." These were the writers, and the artists were Charles H. Bennett and William McConnell. It seems doubtful whether Frank Smedley was ever a contributor, probably not, and Edmund Yates in his

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reminiscences does not mention Dodgson as one of his contributors to the *Comic Times*.

Smedley, however, was an intimate friend of Edmund Yates. Poor Frank Smedley, whose "Frank Fairleigh" and "Lewis Arundel" delighted the boys of more than one generation, was a permanent invalid imprisoned 'in a wheeled chair in his rooms at Jermyn Street. His physical malady made society impossible to him, but those few who knew him speak of him as a fine, manly character, and a man of pure heart in whom was no guile. He and Yates were firm friends. They wrote a little volume together, "Mirth and Metre by two Merry Men," with some parodies of Tennyson and Longfellow in it, funnily illustrated by William McConnell. This little book was mighty popular, and it may be that it attracted Lewis Carroll to Smedley, but how the young don of Christ Church became friendly with the invalid of Jermyn Street there is, as far as I know, no record, though one can well see that they would be kindred spirits.

Indeed, but for Mr. Collingwood's statement that "it was through Frank Smedley that Mr. Dodgson became one of the contributors to the *Comic Times*; several of his poems appeared in it, and Mr. Yates wrote to him in the kindest manner expressing warm approval of them," I should have supposed that Dodgson first wrote for *The Train*. For Edmund Yates in his memoirs only mentions him as a contributor to that magazine, saying: "In number three (of *The Train*) I published a poem by Lewis Carroll, under which pseudonym, then first adopted, the author has since won vast popularity."

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Edmund Yates describes all his contributors with much detail and good humour, but says nothing more about Dodgson, so that I am inclined to think their communications were epistolary and not personal, and that the young Oxford don was not in any sense a comrade of the very Bohemian staff of *The Train*. No doubt he was in sympathy with their written work, and well content to be allowed to hang his early work in their gallery, signed by a name that would not be recognized within the respectable curtilage of Christ Church.

The *Comic Times* came to a sudden end. Ingram tired of it, and after sixteen numbers he wound it up, leaving editor and contributors out of a job. But the youthful band was not to be balked of its opportunity, and they started a monthly magazine of their own on a co-operative basis, a subscription of £10 each, £120 in all, being the capital subscribed. "The staff was the same as the staff of the *Comic Times*, with the addition of Frank Smedley," says Edmund Yates, "who joined us at once at my suggestion." No one was to be paid for contributions, but profits were ultimately to be divided. Alas! there were none to divide.

On January 1, 1856, *The Train* appeared in a green cover with a vignette of an express coming out of a tunnel and the motto *Vires acquirit eundo* printed under the little picture. It was a plucky prophecy, and one could have wished that it had been fulfilled and that the proprietors had seen their magazine "gain new strength and vigour as it goes." But after two years and a half it died bankrupt, owing Edmund Yates over nine hundred pounds.

But lovers of "Alice in Wonderland" will for all time

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make a pilgrimage to its pages that they may read the earliest text of some of Lewis Carroll's work and see with reverent eyes the first page that contains that famous *nom de guerre*. The history of the name is interesting. After Smedley had introduced Dodgson to Yates they corresponded, and whether or not Dodgson contributed to the *Comic Times*, he certainly contributed to *The Train*, and the editor preferred that he should sign his contributions.

Lewis Carroll thereupon set down for Yates two anagrams and two portmanteau-words, as he would call them, founded on his real Christian names, Charles Lutwidge. The anagrams were Edgar Cuthwellis and Edgar U. C. Westhill, the other suggestions, Louis Carroll and Lewis Carroll, being founded thus: Lewis=Ludovicus=Lutwidge, and Carroll=Carolus=Charles. Edmund Yates, with sure editorial instinct, chose Lewis Carroll.

It was in March, 1856, according to Yates, that the pseudonym was first used. Lewis Carroll's biographer places the date in May. It is a small matter, but Edmund Yates is correct. The full list of Lewis Carroll's contributions to *The Train* is here set out.

1856. Vol. I, p. 154. "Solitude," by Lewis Carroll, illustrated by W. McConnell.
1856. Vol. I, p. 191. "Ye Carpette Knyghte" (unsigned), printed as in "Rhyme ? and Reason ?" in old English letters. With the exception of spelling, the two verses are the same.
1856. Vol. I, p. 286. "The Path of Roses," by Lewis Carroll, illustrated by C. H. Bennett.

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1856. Vol. II, p. 249. "Novelty and Romancement : A Broken Spell," by Lewis Carroll, illustrated by W. McConnell.
1856. Vol. II, p. 255. "Upon the Lonely Moor" (unsigned).
1856. Vol. II, p. 278. "The Three Voices," by Lewis Carroll. A somewhat different version of the present poem in "Rhyme ? and Reason ?"
1857. Vol. III, p. 231. "The Sailor's Wife," by Lewis Carroll, illustrated by C. H. Bennett.
1857. Vol. IV, p. 332. "Hiawatha's Photographing," by Lewis Carroll.

In Vol. V, the last volume of *The Train*, there is no contribution from Lewis Carroll.

"Solitude," "The Path of Roses," and "The Sailor's Wife" are serious poems and may be found reprinted in "Phantasmagoria and Other Poems," 1869, and "Three Sunsets," 1898.

"Solitude" is dated by Lewis Carroll March 16, 1853, and was, therefore, written when he was only one and twenty. It is a pretty poem and the last two verses are prophetic in their appeal :

Ye golden hours of life's young spring,
Of innocence, of love and truth !
Bright beyond all imagining,
Thou fairy dream of youth !

I'd give all wealth that toil hath piled,
The bitter fruit of life's decay,
To be once more a little child
For one short sunny day.

But the great interest in these contributions to *The Train* centres in "Upon the Lonely Moor," which all lovers of

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the Alice books will be interested to read at length, exactly as it was first published in *The Train* of 1856.

UPON THE LONELY MOOR

It is always interesting to ascertain the sources from which our great poets obtained their ideas: this motive has dictated the publication of the following, painful as its appearance must be to the admirers of Wordsworth and his poem of "Resolution and Independence":

I met an aged, aged man
 Upon the lonely moor:
I knew I was a gentleman,
 And he was but a boor.
So I stopped and roughly questioned him,
 "Come, tell me how you live!"
But his words impressed my ear no more
 Than if it were a sieve.

He said, "I look for soap-bubbles,
 That lie among the wheat,
And bake them into mutton-pies,
 And sell them in the street.
I sell them unto men," he said,
 "Who sail on stormy seas,
And that's the way I get my bread.
 A trifle, if you please."

But I was thinking of a way
 To multiply by ten,
And always, in the answer, get
 The question back again.
I did not hear a word he said,
 But kicked that old man calm,
And said, "Come, tell me how you live!"
 And pinched him in the arm.

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His accents mild took up the tale:
 He said, " I go my ways,
And when I find a mountain-rill,
 I set it in a blaze.
And thence they make a stuff they call
 Rowland's Macassar Oil,
But fourpence-halfpenny is all
 They give me for my toil."

But I was thinking of a plan
 To paint one's gaiters green,
So much the colour of the grass
 That they could ne'er be seen.
I gave his ear a sudden box,
 And questioned him again,
And tweaked his grey and reverend locks,
 And put him into pain.

He said, " I hunt for haddock's eyes
 Among the heather bright,
And work them into waistcoat-buttons
 In the silent night.
And these I do not sell for gold,
 Or coin from silver-mine,
But for a copper halfpenny,
 And that will purchase nine.

" I sometimes dig for buttered rolls,
 Or set limed twigs for crabs ;
I sometimes search the flowery knolls
 For wheels of Hansom-cabs.
And that's the way " (he gave a wink),
 " I get my living here,
And very gladly will I drink
 Your honour's health in beer."

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I heard him then, for I had just
Completed my design
To keep the Menai bridge from rust
By boiling it in wine.
I duly thanked him, ere I went,
For all his stories queer,
But chiefly for his kind intent
To drink my health in beer.

And now if ere by chance I put
My fingers into glue,
Or madly squeeze a right-hand foot
Into a left-hand shoe ;
Or if a statement I aver
Of which I am not sure,
I think of that strange wanderer
Upon the lonely moor.

One interest of the above version of "The Aged Man" is that Lewis Carroll, in his salad days, writing for his friend Edmund Yates, made no bones about asserting that his poem was a parody on Wordsworth's "Resolution and Independence."

I find in some marginalia in my copy of Wordsworth, pencilled many years ago, I noticed the parallel, but I had wholly forgotten the matter and certainly had not seen how close the parody was in spirit, if not in rhythm. "The Poet and Traveller" has quite a touch of the White Knight about him. When he meets the old leech-gatherer on "the margin of some moorish flood" he immediately tells us :

Beside a pool bare to the eye of heaven
I saw a Man before me unawares :
The oldest man he seemed that ever wore grey hairs,

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and after impressing us with the agedness of the old man, the Traveller proceeds to inquire :

“ What occupation do you there pursue ?
This is a lonesome place for one like you.”

The aged one, true to type, replies with words that “ came feebly from a feeble chest ” that

to these waters he had come,
To gather leeches, being old and poor :
Employment hazardous and wearisome.

He explained at quite unnecessary length that “ in this way he gained an honest maintenance,” but the Traveller was deep in other thoughts.

The old man still stood talking by my side ;
But now his voice to me was like a stream
Scarce heard ; nor word from word could I divide.

Suddenly awaking, however, to the fact that the ancient leech-gatherer is burbling about the worries of the leech business, the Traveller’s “ former thoughts returned,” and so :

—Perplexed, and longing to be comforted,
My question eagerly did I renew :
“ How is it that you live, and what is it you do ? ”

Lewis Carroll, with his keen instinct for the ludicrous and love of parody, saw a subject to his hand and caught the comic spirit of the thing in a flash. When, in 1856, he wrote it for *The Train* he had no objection to avowing that it was a parody of Wordsworth’s poem, but in 1871, when he used the piece again in “ Through the Looking Glass,” he seems to have preferred to leave his indebtedness to Wordsworth more obscure.

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One cannot help thinking that there are some lines in the first version in *The Train* that might have been spared and retained in the White Knight's version in "Through the Looking Glass."

In the second verse the making of soap-bubbles into mutton-pies is better than the use of butterflies, which are obviously dragged in for the rhyme. Personally, I prefer the idea of dyeing "gaiters" as less farcical than "whiskers"—which always smack of the Victorian music hall—and the exercise of multiplication by ten, to get the resultant of the question asked, is what an old friend of mine used to call "an exact Carrollary."

In the same number of *The Train* in which "Upon the Lonely Moor" appears, there is a prose humorous story entitled "Novelty and Romancement," also by Lewis Carroll. The fun of this is centred in a grotesque pun which leads the author, whose soul yearns for poetry, to seek the meaning of the signboard, "Simon Lubkin, Dealer in Romancement." It appears at the end of an amusing interview with the bewildered Simon that what he really dealt in was Roman cement, but the sign-writer had run the two words together, as Lewis Carroll did so cleverly in after life with his wonderful portmanteau words. It is curious he did not reprint this piece, as his mock confessions of his early efforts at poetry with which he introduces his jesting story are characteristic, and certainly "Romancement" is a very pretty word.

"My thirst and passion from boyhood," he says, "(predominating over the love of taws and running neck and

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neck with my appetite for toffy), has been for poetry—for poetry in its widest and wildest sense—for poetry untrammelled by the laws of sense, rhyme, or rhythm, soaring through the universe, and echoing the music of the spheres! From my youth, nay, from my very cradle, I have yearned for poetry, for beauty, for novelty, for romancement. . . .”

“ . . . The verses which I wrote at an early period of life were eminently distinguished by a perfect freedom from conventionalism, and were thus unsuited to the present exactions of literature: in a future age they will be read and admired, ‘when Milton,’ as my venerable uncle has frequently exclaimed—‘when Milton and such like is forgot!’ Had it not been for this sympathetic relative, I firmly believe that the poetry of my nature would never have come out; I can still recall the feelings which thrilled me when he offered me sixpence for a rhyme to ‘despotism.’ I never succeeded, it is true, in finding the rhyme, but it was on the very next Wednesday that I penned my well known ‘Sonnet on a Dead Kitten,’ and in the course of a fortnight had commenced three epics the titles of which I have unfortunately now forgotten.

“Seven volumes of poetry have I given to an ungrateful world during my life; they have all shared the fate of true genius—obscurity and contempt. Not that any fault could be found with their contents; whatever their deficiencies may have been *no reviewer has yet dared to criticize them.* This is a great fact.

“The only composition of mine which has yet made any noise in the world, was a sonnet I addressed to one of the

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Corporation of Muggleton-cum-Swillside on the occasion of his being selected Mayor of that town. It was largely circulated through private hands, and much talked of at the time ; and though the subject of it, with characteristic vulgarity of mind, failed to appreciate the delicate compliments it involved, and, indeed, spoke of it rather 'disrespectfully than otherwise, I am inclined to think that it possesses all the elements of greatness. The concluding couplet was added at the suggestion of a friend, who assured me it was necessary to complete the sense, and in this point I deferred to his maturer judgment :

When Desolation snatched her tearful prey
From the lorn empire of despairing day ;
When all the light, by gemless fancy thrown,
Served but to animate the putrid stone ;
When monarchs, lessening on the wildered sight,
Crumblingly vanished into utter night ;
When murder stalked with thirstier strides abroad,
And redly flashed the never-sated sword ;
In such an hour thy greatness had been seen—
That is, if such an hour had ever been—
In such an hour thy praises shall be sung
If not by mine, by many a worthier tongue ;
And then be gazed upon by wondering men
When such an hour arrives, but not till then ! ”

In the fourth volume of *The Train* we find the original verses of “Hiawatha’s Photographing.” Lewis Carroll was an ardent photographer from the earliest times, and in this 1857 edition of *Hiawatha* he describes his technical methods, which in later years he probably thought would be out of date and therefore not comprehensible to modern

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readers. Thus at the line "mystic awful was the process" he continues :

First a piece of glass he coated
With collodion, and plunged it
In a bath of lunar caustic
Carefully dissolved in water—
There he left it certain minutes.

Secondly my Hiawatha
Made with cunning hand a mixture
Of the acid pyro-gallic
And of glacial-acetic,
And of alcohol and water—
This developed all the picture.

Finally he fixed each picture
With a saturate solution
Which was made of hyposulphite
Which again was made of soda
(Very difficult the name is
For a metre like the present,
But periphrasis has done it.)

Lewis Carroll appears to have been the first editor and moving spirit of *College Rhymes*, a little magazine of verse contributed by members of the Universities of Oxford and Cambridge. The first number appeared in 1861. Many of the poems that Lewis Carroll afterwards acknowledged and printed in "Phantasmagoria," 1869, and "Rhyme? and Reason?" 1883, made their first appearance in *College Rhymes*. It is not easy to say which contributions are by Lewis Carroll. It is quite possible that as editor he often came to the rescue of an anæmic number by some impromptu verse of his own of a hearty and jovial character. He once uses the pseudonym Lewis

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Carroll at length. His serious verse he acknowledges by his real initials "C.L.D." For other verses, that he afterwards reprinted, he uses the initials "B.B." or "R.W.G." or "K." or on occasion he prints verses without signature or initial.

The two following pieces "The Ode to Damon," 1862, and "The Majesty of Justice," signed "B.B." and "R.W.G." respectively, are certainly by Lewis Carroll. It seems curious that he did not reprint them himself, for they are quite as entertaining as some of the humorous verse in "Phantasmagoria."

ODE TO DAMON

FROM CHLOË WHO UNDERSTANDS HIS MEANING.

Oh do not forget the day when we met,
At the fruiterer's shop in the city :
When you *said* I was plain and *excessively* vain,
But I knew that you *meant* I was pretty.

Recollect, too, the hour when I purchased the flour
(For the dumplings, you know) and the suet ;
Whilst the apples I told my dear Damon to hold,
(Just to see if you knew how to do it.)

Then recall to your mind how you left *me* behind,
And went off in a 'bus with the pippins ;
When you *said* you'd forgot, but I knew you had *not* ;
(It was merely to save the odd threepence !)

Don't forget your delight in the dumplings that night,
Though you *said* they were tasteless and doughy ;
But you winked as you spoke, and I saw that the joke
(*If it was one*) was meant for your Chloë↓

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Then remember the day when Joe offered to pay
For us all at the Great Exhibition ;
You proposed a short cut, and we found the thing shut,
(We were two hours too late for admission.)

Your " short cut " dear we found took us *seven miles round*
(And Joe said exactly what we did :)

Well, *I* helped you out then—it was just like you men—
Not an atom of sense when it's needed !

You said " What's to be done ? " and *I* thought you in fun,
(Never *dreaming* you were such a ninny,)

" *Home* directly ! " said *I*, and you paid for the fly,
(And *I think* that you gave him a guinea.)

Well, *that* notion, you said, had not entered your head :

You proposed " The best thing, as we're come, is
(Since it opens again in the morning at ten)
To wait "—*Oh, you prince of all dummies !*

And when Joe asked you " Why, if a man were to die,
Just as you ran a sword through his middle,
You'd be hung for the crime ? " and you said " Give me time ! "
And brought to your Chloë the riddle——

Why, remember, you dunce, how *I* solved it at once—
(The question which Joe had referred to you,)

Why, *I* told you the cause was " the force of the laws,"
And you said "*It had never occurred to you !*"

This instance will show that your brain is too slow,
And (though your exterior is showy),
Yet so arrant a goose can be no sort of use
To society—*come to your Chloë !*

You'll find *no one* like me, who can manage to see
Your meaning, you talk so obscurely :

Why, if once *I* were gone how *would* you get on ?
Come, you know what *I* mean, Damon, surely !

Ch. Ch. Oxford.

B. B.

THE EARLY WRITINGS OF LEWIS CARROLL

THE MAJESTY OF JUSTICE

AN OXFORD IDYLL.

They passed beneath the College gate ;
And down the High went slowly on ;
Then spake the Undergraduate
To that benign and portly Don :
“ They say that Justice is a Queen—
A Queen of awful Majesty—
Yet in the papers I have seen
Some things that puzzle me.

“ A Court obscure, so rumour states,
There is, called ‘ Vice-Cancellarii,’
Which keeps on Undergraduates,
Who do not pay their bills, a wary eye.
A case, I’m told, was lately brought
Into that tiniest of places,
And justice in that case was sought—
As in most other cases.

“ Well ! Justice as *I* hold, dear friend,
Is Justice, neither more than less :
I never dreamed it could depend
On ceremonial or dress.
I thought that her imperial sway
In Oxford surely would appear,
But all the papers seem to say
She’s not majestic *here*.”

The portly Don he made reply,
With the most roguish of his glances,

“ Perhaps she drops her Majesty,
Under peculiar circumstances.”

“ But that’s the point ! ” the young man cried,

“ The puzzle that I wish to pen you in—
How are the public to decide

Which article is genuine ?

CONCERNING MANY THINGS

“ Is't only when the Court is large
That we for ' Majesty ' need hunt ?
Would what is Justice in a barge
Be something different in a punt ? ”
“ Nay, nay ! ” the Don replied, amused,
“ You're talking nonsense, sir ! You know it !
Such arguments were never used
By any friend of Jowett.”

“ Then is it in the men who trudge
(Beef-eaters I believe they call them)
Before each wigged and ermined judge,
For fear some mischief should befall them ?
If I should recognize in one
(Through all disguise) my own domestic,
I fear 'twould shed a gleam of fun
Even on the ' Majestic ! ’ ”

The portly Don replied, “ Ahem !
They can't exactly be its *essence*.
I scarcely think the want of them
The ' Majesty of Justice ' lessens.
Besides, they always march awry ;
Their gorgeous garments never fit :
Processions don't make Majesty—
I'm quite convinced of it.”

“ Then is it in the *wig* it lies,
Whose countless rows of rigid curls
Are gazed at with admiring eyes
By country lads and servant girls ? ”
Out laughed that bland and courteous Don :
“ Dear sir, I do not mean to flatter—
But surely you have hit upon
The essence of the matter.

THE EARLY WRITINGS OF LEWIS CARROLL

“ They will not own the Majesty
Of Justice, making Monarchs bow,
Unless as evidence they see
The horsehair wig about her brow.
Yes, yes ! *That* makes the silliest men
Seem wise ; the meanest men look big :
The Majesty of Justice then
Is seated in the Wig.”

R. W. G.

Oxford, March, 1863.

There are certainly other verses by Lewis Carroll in these little volumes, and anyone who loves his work might easily guess their authorship, but I have not found anything of outstanding merit, and the two poems here given are signed by accredited initials and their authorship is not a matter of guesswork.

I have hunted for a copy of the *Comic Times*, but without success. In some way it seems to have escaped the catholic immortality of the British Museum shelves. There may, perhaps, be work of Lewis Carroll in its pages if, as his biographer asserts, Dodgson was a contributor to this periodical.

These fragments from *The Train* and *College Rhymes* seem to a lover of Lewis Carroll's verses worthy of reproduction, and to read the original version of the White Knight's poem may perhaps enable the oldest of us

To be once more a little child
For one short summer day.

CHAPTER XI

CONCERNING THE LAW AND THE DOG

The gen'rous Dog, with watchful Care,
His Master's property secures ;
Tho' cold his Lodging, hard his Fare,
He wags his Tail and all endures.

OLIVER GOLDSMITH.

FROM this verse we learn that the civilized dog, like the civilized man, is on the side of the law. Nevertheless, it is true that the law refuses to recognize the dog, and the dog with native dignity generally ignores the law. The dog is the friend of man, yet no man can be his dog's next friend in a lawsuit, because a dog cannot have a lawsuit. The reason of this seems to be that the dog is a chattel, and a chattel has no rights or liabilities of any kind. A chattel cannot run into debt, or be made to pay rates or taxes, or sue or be sued in a Court. In short, a chattel has many privileges that man may envy, but it is outside the law. Until quite recently married women were chattels, and the law treated them much as it treats dogs to-day. Nevertheless, the married woman of olden days managed, like the dog of to-day, to have a very good time of it. Dogs being highly intelligent beings, have never clamoured for emancipation from chattelhood or

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troubled themselves about sex equality. I expect if you could get at the outlook of a wise dog about his outlawry he would tell you that as long as the customary and common law maxim that "Every Dog shall have his Day" is reasonably observed by the human race, it would be foolish to trouble about technical rights at law which would bring with them real liabilities.

From the days of Robin Hood, if indeed there ever were such days, poets have sung the glories of an outlaw's life. Generations of dogs have observed that the outlaw occupies a privileged place in human society. For to live free of rates and taxes, and to be allowed to carry on your business for just as many or few hours as you please without Government interference, makes amends for the deprivation of the rights of litigation, the power to vote at elections and the advantages of free education during puppydom.

A dog, however, though legally an outlaw, is in a better position than Robin Hood, because he cannot be molested by the posse of constables or the shire-reeves merely for being an outlaw. If he goes mad, or is foolish enough to be discovered chasing sheep or destroying game, a dog may be executed without any form of trial, but he cannot be tried and imprisoned for minor crimes. If, for instance, he negligently runs under a motor-car and causes the death of the occupants a dog cannot be tried for manslaughter. This seems fair, for if a chauffeur negligently runs over and kills a dog he does not commit the crime of dogslaughter. Curiously enough, if a man is cruel to a dog he may be prosecuted, but however cruel a dog is to a man the law does not interfere.

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But though in modern law a dog is a complete outlaw, yet being a chattel and therefore the subject of ownership—and in this sense being on a lower status of legal freedom than the sparrow or blackbeetle—a dog, through the medium of his owner, is attached to the law by a chain of fictions which substantially affects his liberty. In quite early legal days, prior to Elizabeth, it was settled law that if someone abducted your dog, you could then maintain trover against the wrongdoer; that is to say, you could bring an action against him to recover your dog. But note that, at this date, had it been a cat I am doubtful if you could have recovered the animal. And certainly at no stage of our legal history could a citizen maintain trover for his blackbird or hedgehog or any other friendly denizen of his demesne.

The question of what is a dog is not unimportant. In the days of Elizabeth a dog had to be a dog, and the law recognized only four kinds, a greyhound, a mastiff dog, a spaniel and a tumbler—a dog that you took out rabbit coursing. To-day anything with four legs and a collar on seems to be accepted as a dog. This is due to the greed of excisemen, who readily pounce on defenceless women who make pets of four-legged squirrels, monkeys and other strange creatures and are rather flattered at being asked to pay a dog tax for carrying these animals about with them.

Of recent years, too, men and women go about with fine-looking wolves adorned with a collar, and the exciseman has accepted these animals as dogs for his purpose. It is possible that if you put a collar on a lion or a tiger and called

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it a lion-hound or tiger-dog, and offered the exciseman a dog tax for your pet, the gratuity would be accepted. But I rather fancy that if the animal broke into an elementary school and ate the infant class and the pupil teacher, the mere fact that you had paid a dog tax would not satisfy the law that a lion was a dog, and in itself rebut a charge of manslaughter.

It may be that I am prejudiced against bureaucrats—indeed, I confess to a distrust of their ways—but I believe that it is still a question of fact, whether any contraption on four legs with a collar round its neck, whose owner has paid a dog tax, is necessarily a legal dog. You might as well argue that because you pay an entertainment tax you see an entertainment. Dog or not dog is a question for the jury. I should be inclined to direct a jury, called upon to decide this fact, to consider not only whether the animal was *digna canis pabulo*, a dog worth his food, for that might be far too narrow a definition and include those ill-disciplined and pet curs which give the dog proper a bad name; but the jury should, I think, consider whether the animal in question had any “doggy” features, or whether he was merely a demi-wolf, or wild beast of the field, ornamented by a dog-collar, or indeed such a monstrous whelp that it ought rightly to be classed among vermin. If a jury find, in fact, that a citizen is keeping an animal not a dog, then he is responsible for anything it does to the injury of his neighbours. For this reason the status of dog wants far more reasonable attention than it has received, for, as Shakespeare pointed out in his own day, many curs and mongrels go in the catalogue “all by the name of dogs,”

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which have no right to the name at all. At modern dog-shows, so called, this is far too prevalent. If the excise would only tax dogs, really worth their food, and destroy the rest, the cities would be quieter and the pavements cleaner.

The dog tax, however, has this virtue, that *prima facie* it afflicts the payer with the ownership of the dog. But you may become responsible for the misdeeds of a dog, not your own, if you have harboured the animal. If you allow a dog to resort to your premises and do not effectually drive him away you may be a "harbourer." There was a dog once who used to frequent a railway station. The company were sued by a citizen travelling on the line who was bitten by the dog. He proved that the same dog had bitten another passenger, had attacked the signalman's cat in the signal-box and the signalman had kicked him out. On this evidence the judge would not allow the jury to find that the company had harboured the dog. I think the energetic action of the signalman negated any question of "harbouring" by the directors of the railway company. If they had been found guilty of harbouring the dog, they had certainly knowledge of its ferocious habits and would therefore have had to pay damages.

The law has paid the dog a high and perhaps undeserved compliment. It has laid down that a dog being by nature kindly, inoffensive, and a friend of man, his owner is not necessarily liable to pay damages if he bites. Here the law differs from theology. Dr. Watts declares that dogs delight to bark and bite because it is their nature to. He even suggests that the Divine Will approves of their biting.

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It is not recorded that a dog ever bit Dr. Watts. Had it happened there would be a hymn about it. But the law quite clearly condemns a dog for making a habit of biting mankind. It says to the dog, "Enough is as good as a feast," and only allows a dog to delight in one bite. So that if a dog cannot restrain himself from the worldly joy of biting, and is known to his owners to be of a fierce and vicious nature and accustomed to bite mankind, then his owner will be liable. This has given rise to a popular belief that the law allows a dog a first bite. It is called in law the doctrine of *scienter*, referring to the owner's knowledge of his dog's naughtiness. But the dog owner generally quotes it as: "One Dog one Bite," and in practice that is what it comes to.

This is the Common Law of the land. But it must be remembered that this is modified by statutes. For whereas it is lawful for a dog of reputed good character to bite a citizen once, it is an actionable matter to bite really valuable animals. If, for instance, a dog should bite a horse, a mule, an ass, or sheep, goats or swine, these creatures having a higher commercial value than the average human being, the owner of the dog cannot plead for his pet, *jus primi morsus*, or a right to one mouthful. I do not know that any owner has been able to train a dog to understand that it is cheaper to bite a child than a goat, but I should not be surprised to hear that it was so. My daughter once had a dog—I fancy I "harboured" it as it lived in my kennel in Wales—and this dog was not "accustomed to bite mankind" but only tried to bite Nonconformist ministers. In Wales this was very awkward, and though

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I apologized and explained what a charming dog he was at home, I could see that he was becoming unpopular, and knowing what I did of *scienter* and "harbouring," I felt we had better part. Whether an owner who has only *scienter* that his dog is accustomed to bite policemen, milkboys or postmen, as a class, would be liable if his dog bit an income-tax collector is a moot point. The old judges used the words, "keeps an animal accustomed to attack and bite mankind, with knowledge that it is so accustomed." A milkboy is not mankind, and a dog may have sound reasons for biting a milkboy that would not render it likely he would bite anyone else. The point does not seem to have been decided.

But for an owner to be made responsible for a dog's actions they must be vicious actions. So long as a dog behaves only in a gay, doggy, irresponsible way, whatever damage he may do, his owner is not responsible. Thus, where a dog burst through a garden fence and fell into a pit where an unfortunate workman was digging and injured the man's neck, the workman had no remedy. The jury are the judges of the disposition of the dog, and may look at him and judge "from the expression of his eye and other indications" whether he is of a vicious disposition. This they do at their own risk.

But as I remarked earlier, the law refused originally to have anything to do with the dog, and there was a time when you might steal your neighbour's dog with impunity. This has made some think that a dog was not then a chattel; but the better view seems to be that a man could always own a dog, but that it was wrong to hang a man for stealing that

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which was unfit for human food and was merely owned for pleasure.

This right of a dog to perpetual pleasure, and to be a gay dog all the years of his life, is maintained in current legislation. With the honourable exception of the sheep-dog, the whole canine race devotes its life to pleasure with the same zest that is displayed by its human proprietor, man. No one can suggest that a hound, greyhound or retriever ought to be described as one of the world's workers. You might just as well say that fox hunting was a branch of agriculture, or that a gentleman who shot pheasants was a poulterer.

Many statutes hinder a dog from making himself useful or earning his living. A Belgian dog will help his owner to take his produce to market, but the dignity of a British dog is such that he may not draw or help to draw any cart, truck, or barrow, for that would be work, but there is no legal objection to his drawing a badger, for that is amusement to everyone but the badger.

The dog having been unable, owing to legal disabilities, coupled with a compulsory life of pleasure, to put by a competence for his declining years, it seems only right that his owner should, in case of his own decease, make proper arrangements for the future of the dog who has been the companion of his joys. He may hold, with that untutored Indian, Mr. Lo, that his faithful dog will meet him in the hereafter and that they will go a Sunday morning walk together in the Elysian Fields; or he may entertain more orthodox views; but if he is a right-minded man, or woman, a dog-owner will wish his animals to be cared for

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after he is gone, and in this matter the law gives him no assistance. A dog cannot be a legatee. If you left Fido the income of a thousand pounds for life with remainder over to her children, it would be a bad gift. You cannot, indeed, make a trust for the maintenance of an animal, whatever services the animal may have rendered to you. A man may go to the dogs in his own lifetime, but if he has any money left he cannot leave it to the dogs.

It is clear that an animal cannot in law take by devise or bequest. But you can leave your dog to a friend, and you can leave your friend an annuity as long as your dog continues to live. The difficulty here is as to what is to happen if your friend and your dog do not hit it off, and your friend does not spend your money on your dog, but devotes it wholly to himself. Here no third party can step in, on behalf of the dog, to claim the protection of the Courts. The residuary legatee might, perhaps, get hold of the money, as it was not being spent on the dog, but that would not help the dog. The law to its shame would leave the poor animal to starve, in spite of his late owner's will to provide for him.

It was endeavoured to maintain that bequests in trust for animals were charities, but with no success. Some kindly judges have sought to uphold trusts to provide for animals, and held them to be valid without deciding that they are charities. But the real difficulty seems to be that a trust, either for one animal or for several animals and the survivor of them, is bad because it makes each animal a "life," and the only "life" equity will recognize is that of a human being.

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But though the law will not allow a man to provide for his dog after his death, it punishes him if he is guilty of any cruelty to his own or another man's dog during his lifetime. A dog may bite you, but if you bit him back again, or even struck him, that might be held to be cruelty to animals. Starvation is cruelty to animals, but many inconsiderate persons keep dogs without giving them any exercise, a form of neglect difficult to distinguish from cruelty. An Airedale or an Alsatian taking a drive through the streets in a motor-car is a degrading sight. In these days when those of the human race who are not bed-ridden are almost entirely motor-ridden, the right of a dog to proper exercise requires further consideration.

But if you could consult the dog about this and other matters, I believe he would be intelligent enough to desire no truck with the law, but to remain from a legal point of view the quasi-outlaw and animated chattel that he is at present. The dog is a highly privileged animal, and deservedly so. He is fed, housed, his statutory clothing, the collar, is provided for him, and he is not called upon to support his wife and children. Moreover, if he breaks the law someone else is punished for him, and no one can compel him to do a day's work. Like every other animal, he at times grumbles over his fate and rails at "a dog's life." These moments only occur, I believe, in the absence of his friend and owner. On his return, the dog's joyful bark proves that he is aware that his freedom was given him for a glorious purpose, since he was born to associate with man and to join in community with the human race, without prejudice to his own happiness. ,

CHAPTER XII

CONCERNING LUMLEY *v.* GYE

There, take (says Justice), take ye each a shell ;
We thrive at Westminster on fools like you :
'Twas a fat oyster : live in peace : adieu !

From *Boileau* (POPE).

IF ever the history of a litigation could be safely pleaded against lawyers in justification of the defamatory fable of " Dame Justice and the Oyster," it is the suit of Lumley against Gye ; and it seems only fair to new generations of budding litigants that the ancient sagas of this and similar heroic contests should on occasion be rehearsed, as warnings to those who seek for immortality on the battle-fields of the Law.

The story begins in 1851, when Benjamin Lumley was lessee of Her Majesty's Theatre in London and was running the Italian Opera at Paris. He was cock of the operatic cakewalk, so to speak, and when he crowed the rest of the barnyard were silent. But as in the poultry fields, so in the larger world of operatic operations, no one can remain in undisputed command for ever. There is always some young cockerel ready with beak and spur to contest for the supremacy, and Frederick Gye, the lessee of Covent Garden Theatre, was spoiling for a fight with

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the greater impresario, and it was to be a fight to the finish. Good that it should have taken place in the Law Courts. Good at least for the Bethells, Malinses and Bacons of the Chancery Bar and the Willeeses and Cowlings of the Queen's Bench, that these two brave impresarios should have brought their dispute to the arbitrament of Chancery and Common Law. For not only did they, with the assistance of the costly exertions of their learned counsel, settle their own particular hash, but incidentally decided for all time an important proposition of law. Thus in the title of a leading case did each of these combatants build himself an everlasting name within the gates of the Temple.

The affair arose in this way. Lumley, though not an older man than Gye, was of longer establishment in the theatrical world. The son of a merchant named Levy, he had been educated at King Edward's School, Birmingham, and assuming the name of Lumley, was admitted a solicitor in 1832, when he was one-and-twenty. He was reading for the Bar when in 1835 he was employed by Laporte, the then manager of His Majesty's Theatre, in some law business. The manager was so taken with the young man that he induced him to leave his friend Basil Montague, in whose chambers he was reading, and take over the superintendence of the finances of the theatre. Laporte's older friends shook their heads over his folly, but to their remonstrances Laporte shrugged his shoulders and said: "He is not yet old enough to be spoiled. *Voilà!*"

The great impresarios of the world are born and not made, yet, to succeed, one must graduate in a good school.

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Much can be learned in the management of the kings and queens of opera by watching the tactics of an older statesman. Note how he deals patiently with royal whims and soothes the jealousies of rival princesses. Lumley served under a great master. For Laporte was a very tactful ruler of these monarchs. There is a good story told of his reproof to the great Lablache. This powerful and important artist came into his room in a towering passion about some small and probably imaginary indignity to himself.

“ Ah ! ” said Laporte, smiling pleasantly in his face and lightly tapping the enraged one on the shoulder : “ I see what it is, my dear Lablache, your wife has ordered you to put yourself in a passion. How well you do it.”

This was too much for Lablache ; the wit and truth and flattery of the observation dissolved his passion in laughter. The affair was ended.

The tyranny of popular artists, the cabals and conspiracies of themselves and their friends, the riots that on occasion arose among the audience in the house itself in the supposed interest of one of the singers, made the life of the manager a trying one.

Whilst Lumley was with Laporte rows arose nightly, planned, it was said, in the House of Commons, over the neglect of Laporte to engage Tamburini. The business of the theatre was being injured, but young Lumley counselled no surrender ; Laporte, on the other hand, was for giving way and buying peace. After a very rowdy evening, in which the occupants of the omnibus box, led, it was said, by the Duke of Cambridge, stopped the performance by

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demanding the engagement of Tamburini, Lumley and Laporte walking home together in the fresh air of the early morning discussed the position.

"I must give in," said Laporte, "and treat them as spoiled children."

"But if you give a child what it cries for," rejoined the wise Lumley, "he will soon learn that crying is the readiest mode of gaining his wishes."

"Yet most nurses do this," replied Laporte smiling.

Laporte bowed to the storm and engaged the desired star, but by next season no one wanted Tamburini, and the supporters who had yelled the theatre down for the Signor's engagement did not come to the theatre to see him play. Worn out by his struggles with artists and audiences, Laporte, at the end of the season of 1841, went to his villa on the Seine for rest and quiet, but he had already overtaxed his strength, and he died in a few weeks of heart disease.

There was a unanimous call on Lumley by the patrons of opera to take up his task. The young man made a modest gesture of refusing the honour and the burden, but was easily persuaded, and thus in 1842, at the age of thirty-one, Benjamin Lumley became sole director of the Italian Opera at Her Majesty's and entered upon a glorious reign.

At this time Frederick Gye, who was a son of Frederick Gye the elder, the proprietor of Vauxhall Gardens, assisted his father in the business of providing ballets, concerts, fireworks, acrobats, optical delusions, balloons and other sideshows dear to the great heart of the people. That a man of this type should seek to challenge the great Lumley, in his own business of purveying Italian Opera to the

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aristocracy, seemed to be a wild and extravagant impertinence. But it is quite as difficult to run acrobats at a profit as *prime donne*, and the problems connected with their successful production are not wholly dissimilar. Young Frederick sought new worlds to conquer, and when Edward Delafield became lessee of the Italian Opera House at Covent Garden in 1848, which was the first rival to Her Majesty's, Gye was appointed business manager.

The first few years of Lumley's management were a golden success. But at length the usual polemics of the theatre broke out; cabals and secessions began, and the astute Gye fostered the vanity and impatience of Lumley's artists that he might carry them off to Covent Garden. By snares and stratagems, Gye tempted Grisi and Mario from their allegiance, and bought over Signor Costa the conductor, who marched off several of his orchestra to the opposite camp. Mr. Balfe, however, filled his place, the great Lablache remained loyal, and Lumley, by splendid perseverance and energy, persuaded Jenny Lind to appear. By this master stroke he drove the enemy to financial despair. One can understand in reading the stormy records of these alarums and excursions the meaning of Marshal Saxe's exclamation: "I would rather command an army of 100,000 men than attempt to direct an opera corps."

Lumley continued to more than hold his own. Delafield of Covent Garden became bankrupt, and Gye ruled in his stead. But Lumley, to prove his kingship, took over the Italian Opera in Paris and ruled in two kingdoms. He now introduced Sims Reeves to the world, the Great Exhibition

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of 1851 brought money to his treasury, but the Coup d'État in Paris of December, 1851, was disastrous to his enterprise there, and in two seasons he had lost £20,000. Gye began to take heart, and thought it time to make an attack upon his rival Lumley. As a contemporary poet of the town wrote :

Lumley and Gye were fighting for the town,
When up jumps Johanna and knocks them both down.

The way Johanna came into it was after this wise. Lumley at the end of 1851 was in despair. The outlook was indeed gloomy. The sun of prosperity had, it seemed, ceased to shine on Her Majesty's, and gathering clouds were threatening worse storms than those the gallant Lumley had already weathered. It was at this moment he turned for help to Johanna Wagner. The Wagner family, like the Crummles family, were born in the profession and Johanna was their "infant phenomenon." She was born in 1828. Her mother Elise Gollmann had a voice of the abnormal compass of three octaves and two notes, and at the age of five Johanna warbled the music of all the operas she heard in her daily life in the theatre, and at six she appeared on the boards as Salome in the *Donauweibchen*. Her father, Carl Albert Wagner, had studied medicine, but music seized him for her own, and after being an actor and singer at Würzburg and Dresden, he was now stage manager at Berlin, where Johanna was permanently engaged.

She had had invaluable training from Uncle Richard, with whom she spent the summer of 1844 at Dresden, studying his *Tannhäuser*, scene by scene as he composed

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it. When only seventeen she created the part of Elizabeth. Her uncle had intended to produce it on her seventeenth birthday as a glorious gift to his dear niece, but the illness of a singer caused its postponement. When it was produced, at the triumphant supper afterwards Johanna found under her napkin a little gold bracelet, engraved with her name and date, which was the greatest treasure of her life. She was now at the age of twenty-four in the prime of her voice and beauty. No wonder Lumley was eager to capture such a prize for Her Majesty's.

Negotiations were entered upon, and at length the talented Johanna, with the due consent of her father, who was also a contracting party, agreed with Lumley to sing for three months in 1852, starting on the first of April. Alas that such an unlucky and prophetic date should have been chosen! But at the moment everyone rejoiced at the agreement. The lady was to play all her exclusive parts as duly scheduled in the draft agreement. Lumley was to pay her £400 a month, and £50 extra for any representation over two in one week. To this contract, with all its detail, did father and daughter set their hands. Later on a note was added to the agreement, to the effect that Johanna might not use her talents at any other theatre or concert, either in public or private, without the written consent of Lumley.

No sooner did Lumley announce the engagement of Mademoiselle Wagner than the opera world was full of excitement. It was predicted that the Wagner mania would rival the Lind mania, and that Wagner crushes would exceed what was known in the theatre-land of that

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day as "a Jenny Lind crush." The booksellers plunged on tickets, and Mr. Mitchell alone subscribed for £10,000 worth.

Lumley had in the past suffered from what he called the "overstrained susceptibilities and unsteadiness of purpose inherent in the Teutonic nature," but he was not prepared for the direct repudiation of a contract. The Teutonic theory and practice of "the scrap of paper" were little understood in those arcadian days. The pugnacious Gye had, it appears, also cast loving managerial eyes on the fair Johanna. He was ready to throw a handkerchief to the lady, full of redder and heavier gold than that offered by Lumley. She fell an easy victim to his wiles, and promptly signed a second agreement, this time with Gye; promising to sing for him at the Royal Italian Opera season at Covent Garden and to abandon her contract with the unlucky Lumley. Well might he call April 1, 1852, "an ill-omened day," when he opened the doors of his theatre without a star and with all his arrangements reduced to confusion by the evasive Johanna.

But if Johanna was lost to him and his patrons, he was determined she should not appear for Gye. Eager for the fray, and sure of the righteousness of his cause, he flew to his lawyers and the battle at once began. The first round was fought in Chancery against the faithless Wagners. It was a claim for an injunction to restrain the lady from singing anywhere without Lumley's sanction. Vice-Chancellor Parker granted this injunction on May 9, 1852, and, despite the delays of Chancery, so urgent was the affair considered that by May 22 it was^b heard on appeal

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by the Lord High Chancellor himself. *Jarndyce and Jarndyce* might grind its victims to a slow death through weary years, but here was a case which involved, not the lives and happiness of private individuals, but the great question whether the British public was or was not to hear the top notes of Johanna the royal cantatrice of Berlin during the season of 1852.

The legal learning displayed by the counsel, and by Lord St. Leonards in his judgment, is well worthy of study, and it is pleasant to remember that the result was in accord with common sense. The Lord Chancellor was of opinion that "J. Wagner," as he called the lady defendant, had clearly agreed to "exert her vocal abilities to the utmost to aid the theatre to which she agreed to attach herself," and that having done so J. Wagner would have broken the spirit and true intent of her contract by performing at another theatre. The Court, he wisely recognized, could not compel her to sing at Her Majesty's Theatre, but it could compel her to abstain from singing elsewhere. The injunction was, therefore, continued, and J. Wagner was restrained from singing for Gye.

She did not, however, sing for Lumley, nor is it probable that she would have been well received. A letter by her father, read in Court, in which he sneered at English taste in the phrase, "England is worth nothing except for her money," had caused great annoyance to the dilettanti, and Mademoiselle and her Papa returned to Germany in disgrace.

Mr. Punch summed up the feelings of his countrymen in rejoicing that Père Wagner who "came to grasp"

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would be obliged to "stop to pay" at least the costs of the Chancery lawyers. "The infection called Wagnerism," writes our moralist, "is spreading rapidly throughout the musical profession," and Mr. Punch is shocked at the "cucumbrian coolness" with which musical stars of all magnitudes break one engagement that they may snatch at a better one.

This, of course, could only be possible where managers were ready to aid and abet musicians in their evil ways, and the receiver, if one may so call him, was at least as bad as the thief. So Lumley thought, and he now determined to test the legality of Gye's conduct and claim damages from him for the injury he had done to his season. The scene now shifts to the Queen's Bench, and the great case of *Lumley v. Gye* is fought out, in which the plaintiff upheld the great principle of good sense and honesty that a man may have damages of another for maliciously procuring a breach of contract for the personal services of another whereby he is injured.

To a layman this may sound obvious enough, but to the lawyers of our grandfathers' day it was a point moot enough to cost much time and money in decision. Roughly, what worried the lawyers was this. They did not dissent from the proposition that if you seduce another man's maidservant or entice away his apprentice, there may be a right of action, for legal actions of this kind date back to the days of slavery. They are intelligible only on the ground that a man has some sort of property in a servant. That is how the lawyers of 1852 actually talked about the business. It was not the dishonesty or wrong-doing that

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interested them, but the interference with property ! property ! property ! and the older Coleridge, who gave a dissenting judgment adverse to Lumley, based his decision upon these old-fashioned agreements. A celebrated case was cited where a man had carried off another man's wife. This, said Coleridge, had little or no bearing on the present case, " a wife is not as regards her husband a free agent or separate person . . . she is rather in the character of a servant." In the same way, if you deprive a man of his ward you may have your action " because the ward is a chattel."

How entertaining are these old cases, as enabling us to understand the evolution of ideas and the progress of moral rights. Here you have a learned and enlightened judge speaking of wives and women in terms which in less than a century have become morally incomprehensible to a new generation. The fact is, that a lawyer is so enamoured of precedent that it becomes far more difficult for him, than for the man in the street, to enter into a heaven of higher ideals.

Coleridge's judgment—happily the only dissenting one—is full of elaborate learning on the ancient social status of masters and servants. He was certainly of the unhappy faith that the word " service " implies some degradation, and his cultured mind refused to give a decision that placed singers at operas or dramatic artistes [*sic*] within either the letter or spirit of decisions about labourers.

If we hold such a thing about " the profession of Garrick and Siddons," he says with pained dignity, " we could not refuse to hold the same with regard to the sister arts of

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Painting, Sculpture and Architecture. We must lay it down that Reynolds when he agreed to paint a picture, or Flaxman when he agreed to model a statue, had entered into a contract of service and stood in relation of servant to him with whom he had made the agreement."

But the other judges rescued the question from the pedantry of ancient precedent and dealt with it on the higher plane of honesty and moral duty.

A cynical and eminent lawyer in my salad days, when I mentioned the justice of our client's cause in ardent language, rightly snubbed me by saying: "Good heavens, sir, if you have found nothing better to support our case than the broad grounds of truth and justice the sooner we settle on any terms we can the better." And I agree that it is not the business of apprentices in the law to fall back indolently on great principles, when, by earnest digging and research, they may find exact authorities.

Still, it is the privilege and duty of the higher judiciary—and it is one of the most splendid attributes of our legal system that they can freely exercise this duty—to shape our law to the growing needs of a progressive people. In this case the judges felt that the time had come to state clearly and once for all that it was both immoral and illegal for one man to procure the violation of another man's right and to procure his wrong, and if he did this and his fellow-man suffered damages he must pay those damages.

The law having been decided in Lumley's favour, the case then came before a jury to assess the damages, and this was not heard until February, 1853. Everyone, including Sir Alexander Cockburn, expected the jury would give

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very heavy damages, but the simple-minded jury seemed to think that Gye might not have known anything about Lumley's contract with the Wagners, and though they found for the plaintiff they awarded him no damages, and Lumley was left with a glorious victory, a principle of right triumphantly asserted, and a big bill of costs.

The memory of lawyers recalled with appropriate pleasantry many similar victories. The great case of *Small v. Atwood* was remembered, which reached the House of Lords at a cost of £50,000. It was urged upon Lumley that he should continue the battle in higher courts, but he had had enough—besides, he himself was a solicitor and doubtless remembered all about *Small v. Atwood* and *John Bull's* epitaph on those famous litigants, which has a lesson for laymen even to this day.

ON *SMALL* v. *ATWOOD*.

Small shall the claims of Small and Atwood be,
When Small and Atwood cease to disagree ;
Small be the residue—yea, very small—
If there shall be a residue at all :
When lawyers' bills and counsels' fees are paid
For all they have and all they have not said,
Small shall be smaller still, and Atwood small,
If Small or Atwood shall be left at all.

Lumley confessed that he, too, felt small enough when he had finished with the lawyers. He had been hardly hit financially and had plenty to do to keep his theatre open and his head above water. Fortunately managers and artists are indeed like little children, they have short memories, and though eager to quarrel on a stormy day,

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are just as eager to kiss and make friends when the sun shines again.

For the next few years Lumley battles bravely with fortune and in a great measure succeeds, and then his thoughts turn again to the idea of negotiating once more with the fair Johanna. He sits down in 1856 and pens her an engaging letter. She, too, is in the melting mood and eager for a new contract. "*Croyez moi,*" she writes, "*je serai fidèle à mon parole et à vous jusqu'au dernier moment.*" The new contract she feels will be of lasting union between them and efface all former misunderstandings. "*Quant à moi, je ferai mon possible pour obtenir ce résultat ; et quant à vous, je suis persuadée que vous ferez tout pour me soutenir et me faire aimer votre belle Angleterre.*" Papa's letter was perhaps well remembered, and the little lady had doubts of how she would be received in *belle Angleterre*. However, she need not have feared, for everyone was ready to forget the errors of the past, and in 1856 an engagement was fixed up and she sang at Her Majesty's, where an excited audience received her with acclamation.

Lumley enters her dressing-room with flowers and smiles and congratulations on the great evening. "*Quel dommage que je ne suis pas venue quatre ans plutôt,*" she murmurs with a sigh.

Lumley sighs in unison, but the naughty man adds a note to her words in his memoirs. "There was doubtless some truth in the lady's observation. Her voice had naturally lost much of that exquisite freshness which had characterized it five years previously." But he did not

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utter the thought in the theatre. Nor did the audience find any fault with her singing, her engagement was a success, and for the moment the affairs of Her Majesty's prospered.

It is pleasant to think of litigants who have experienced the cost and bitterness of a lawsuit as walking hand-in-hand after the fashion of the Butcher and the Beaver, in mutual amity and affection. Lumley and the fair Wagner made friends, but we do not read of Lumley and Gye, whose names must remain in legal partnership for all time, cementing a lasting friendship. The story of their costly and bitter quarrel which had such noble legal results leads a reforming mind to ponder on the moral status of litigation.

One cannot deny that though it is of great value to settle and assert sound principles of law, it is a grievous burden upon the individuals at whose expense it is done. Had there been an efficient Conciliation Court in the eighteen-fifties, how certainly could some honest arrangement have been arrived at satisfactory to Lumley, Gye, the Wagners and the operatic world who were longing to hear Johanna sing her piece. The waste of litigation is akin to the waste of war, and probably many generations must pass away before the economy of the peacemaker will be valued above the costly pleasures of contest.

CHAPTER XIII

CONCERNING GOLF MARGINALIA

Take the honour. What is it ?

Merry Wives of Windsor, ii, 1.

CHARLES LAMB used to say that a book reads the better which is our own so "that we know the topography of its blots and dog's-ears and can trace the dirt in it to having read it at tea with buttered muffins or over a pipe." But the main privilege of ownership is that it enables one with a clear conscience to make those pencil marginalia which lead on second readings to pleasant rediscoveries.

In a recent convalescence that invited the desultory reading of many half-forgotten volumes, I came across several curious allusions to the game of golf which I remember I had long ago promised myself the pleasure of collecting and setting down for the entertainment of those who love both golf and letters.

In an interesting but, alas, unindexed volume entitled "Shakespeare's Europe," 1903, which consists of many hitherto unpublished chapters of Fynes Moryson's "Itinerary," I find I have two golf marginalia valuable from the historical point of view. There is no reason to

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suppose that Moryson had ever seen or heard of the game of golf, yet his close powers of observation and graphic accuracy of description leave you in no doubt about the game he is describing.

Moryson was at Leyden in the winter of 1592, and writing a chapter of the pastimes and exercises of the people at this season, when all are "slyding upon yce with Iron in their wooden Pattens," he goes on to speak of a strange game which he had evidently observed with some curiosity. "They haue," he writes, "a Common Pastyme and exercise to dryue a little ball through the feildes and vpon the Ice, with a sticke of wood turning in at the lowe end, like the basting ladells we vse in kichens, saue that they are not made hollowe but are rounde in the end, and this sporte I haue seene frequently vsed not only by boyes and young men, but by men of 40 yeares age and vpward."

It may be said that this adds little to our knowledge of the history of the game, since many early Dutch painters have portrayed the scene that interested the observant Moryson. But later on, in 1594, when the traveller was in Italy, he comes across the strange game once again in a most unlikely locality, for he tells us that "at Naples I haue seene gentlemen play in the playne with a little ball and a sticke like a basting ladell, to driue it before them, which sporte the Hollanders much vse upon the yce in Winter."

That the game was played by the gentlemen of southern Italy at this date is not, I think, generally known. It would be interesting to ascertain if other early travellers have reported the game from other parts of Europe.

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The early beginnings of golf in different parts of the world seem to be wrapped in unnecessary mystery. One often reads the statement that James I played golf at Blackheath, but is there any authority for it? Did James care about golf and did he bring his clubs down from Scotland when he became King of England? I have grave doubt about it. But that his son, Prince Henry, was keen about the game I have no doubt at all. The fact that Sir Simonds D'Ewes says in his Autobiography that "he was a prince rather addicted to martial studies and exercises than to goff or other boy's play" merely proves how eager that dull pedant and Puritan was to ignore the popular reputation of the prince as a sportsman. It is the ignorant contempt of a south country high-brow for a game introduced from the north that he can neither play nor appreciate.

Prince Henry was always a keen player of both golf and tennis. Isaac D'Israeli in his "Curiosities of Literature" has a pleasant anecdote of the prince and his tutor Adam Newton. "Newton was sometimes severe in his chastisement; for when the prince was playing at goff, and having warned his tutor, who was standing by in conversation, that he was going to strike the ball, and having lifted up the goff-club, someone observing, 'Beware, sir, that you hit not Mr. Newton!' the prince drew back the club, but smilingly observed: 'Had I done so, I had but paid my debts.'" Newton, who was not a Scotsman and may not have understood the etiquette of the game, became in after years Dean of Durham in spite of his indiscretion of "standing by in conversation" whilst a

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prince was striking off. Chattering on the tee is not a nuisance of modern origin, but has probably been a rub of the green since the early days of golf.

That Prince Henry played golf in the neighbourhood of London is very probable, but I have no marginalia locating any links in the suburbs until 1758, when I find in the Autobiography of Alexander Carlyle a curious account of a game played at Molesley Hurst in Surrey.

The Reverend Doctor Alexander Carlyle, minister of Inveresk, was a friend of John Home, the author of "Douglas," Robertson the historian, David Hume, Smollett and the best known men of law, letters and divinity in Edinburgh, and was also well received in similar circles in London. He was a comely man of commanding presence, "the grandest demi-god I ever saw," says Sir Walter Scott, "and was commonly called Jupiter Carlyle from having sat more than once for the king of gods and men to Gavin Hamilton." He says himself that he excelled at golf and took great pleasure in it, and from his build and physique he may well have been a powerful driver. He seems to have become acquainted with Garrick, probably through his friend John Home, and on a visit to London in 1758 the actor "gave a dinner to his friends and companions at his house at Hampton which he did but seldom. He had told us to bring golf clubs and balls that we might play at that game on Molesley Hurst." The fact that Garrick knew there was such a game seems to suggest that there was a regular links at Molesley at this date. The party consisted of Carlyle, John Home, Robertson, Alexander Wedderburn, afterwards Lord Chancellor, then just

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called to the English Bar, his brother Colonel David Wedderburn, and Robert and James Adam, the architects. They set out in good time, says Carlyle, "six of us in a landau. As we passed through Kensington the Coldstream regiment were changing guard, and on seeing our clubs they gave us three cheers in honour of a diversion peculiar to Scotland; so much does the remembrance of one's native country dilate the heart when one has been sometime absent. The same sentiment made us open our purses and give our countrymen wherewithal to drink 'The Land o' Cakes.' Garrick met us by the way, so impatient he seemed to be for his company."

There were only three players, Parson Black, the Vicar of Hampton, an Aberdonian who may have started golf at Molesley, and John Home and Carlyle himself, who tells us that "immediately after we arrived we crossed the river to the golfing ground, which was very good." After the match, of which unhappily there is no description, they returned to Garrick's to dinner, and after dinner Garrick, out of compliment to Home, ordered the wine to be carried out into his temple in the garden where the statue of Shakespeare was erected. This was the statue for which Garrick had sat to Roubillac, and recently purchased from the sculptor for three hundred guineas.

Carlyle was perhaps a little peeved at so much attention being shown to Home, and made use of his skill at golf to emphasize his own importance. "Having observed," he writes, "a green mount in the garden opposite the archway, I said to our landlord that, while the servants were preparing the collation in the temple, I would surprise

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him with a stroke at the golf, as I should drive a ball through his archway into the Thames once in three strokes. I had measured with my eye in walking about the garden, and accordingly at the second stroke made the ball alight in the mouth of the gateway and roll down the green slope into the river. This was so dexterous that he was quite surprised and begged the club of me by which such a feat had been performed." Whether the club was a cleek or a baffy, whether the ball was retrieved or is still rolling along the bed of the river, whether Garrick himself ever took the club out afterwards and had a knock on Molesley Hurst—these are matters upon which diligent research has thrown no light.

I have been puzzled to find in my marginalia so few allusions to golf in the early novelists. The fact seems to be that they did not themselves play games and wrote for a generation of readers who cared for none of these things.

Smollett in "*Humphrey Clinker*" puts an accurate description of the game into a letter written by young Melford to Sir Watkin Phillips from Edinburgh. He notes how the game is played by "a multitude of all ranks, from the senator of justice to the lowest tradesman, mingled together in their shirts and following the ball with the utmost eagerness." He gives it as his medical opinion that such an exercise, "co-operating with the keen air from the sea, must without all doubt keep the appetite always on edge, and steel the constitution against all the common attacks of distemper." In a hundred years or so we discovered the truth of this, and have acted upon it.

There are a few allusions in the *Waverley* novels to the

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game, though I am not aware that Sir Walter ever played it, nor indeed does he seem to have understood how it was played. In "Redgauntlet," Mr. Saunders Fairford, who is said to be a portrait of the author's father, was an old golfer and, as Alan writes to his friend, "sometimes draws his similes from his once favourite game." Thus he says: "All that is managed for ye like a tee'd ball," and when he is sending away the troublesome Peter Peebles: "I'll get him off on the instant like a gowff ba'." Neither comparison seems very apt, and when we turn to the preface of "The Surgeon's Daughter" there seems little doubt that Sir Walter had no clear notion of the true inwardness of the game. Mr. Croftangry had lent his MS. to his friend Mr. Fairscribe, and is impatiently waiting for the latter's arrival that he may hear his verdict.

"At last my friend arrived a little overheated. He had been taking a turn at golf, to prepare him for 'colloquy sublime.' And wherefore not? since the game, with its variety of odds, lengths, bunkers, tee'd balls, and so on, may be no inadequate representation of the hazards attending literary pursuits. In particular, those formidable buffets, which make one ball spin through the air like a rifle-shot, and strike another down into the very earth it is placed upon, by the maladroitness or the malicious purpose of the player—what are they but parallels to the favourable or depreciating notices of the reviewers, who play at golf with the publications of the season, even as *Altsidora*, in her approach to the gates of the infernal regions, saw the devils playing at racket with the new books of Cervantes' days?"

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The idea that a golfer strikes a golf ball into the very earth with malicious intent, as a reviewer slates a book, suggests to my mind that Scott thought that it was part of the game for one golfer deliberately to injure his adversary's lie, and that it was not present to his mind that at golf each player strictly confines his industry to his own ball under the sanction of severe penalties. Novelists, however, are subject to no laws which prevent them writing about matters they do not understand, else would much pleasant literature be lost to the world.

Maria Edgeworth knew even less about golf than Sir Walter. In "Forester," one of her well-known moral tales written about a hundred years ago, the scene is laid in Edinburgh, where the well-to-do hero is under the roof of the good and respectable Dr. Campbell. Forester, however, having wild and communistic ideas, runs away to earn his own living and goes to work for a low-minded gardener. The gardener has a son named Colin, and Forester seeks to make a friend of him. Miss Edgeworth proceeds to tell us that: "Colin's favourite holiday's diversion was playing at *goff*; this game, which is played with a bat loaded with lead, and with a ball which is harder than a cricket ball, requires much strength and dexterity. Forester used sometimes to accompany the gardener's son to the Links (a lee or common near Edinburgh), where numbers of people of different descriptions are frequently seen practising this diversion. Our hero was ambitious of excelling at the game of *goff*; and as he was not particularly adroit, he exposed himself in his first attempts to the derision of the spectators, and he likewise received

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several severe blows. . . . Forester soon took an aversion to the game of goff."

Played as described, poor Forester might well see little amusement in the "game of goff." One cannot help thinking that Miss Edgeworth may have seen the game played on The Braids on a crowded afternoon without understanding what it was all about, for it would be interesting to know how she supposed Forester received several hard blows. She evidently regarded it as a rough game played by common people, and used its imaginary dangers to cure her young hero of a communistic appetite for low pursuits in low company.

That Edinburgh golfers, like all true followers of the Royal and Ancient Game, knew no class distinction is clear from the fact that among the celebrated judges, ministers and doctors of the eighteenth century caricatured in that interesting volume, "Kay's Edinburgh Portraits," you may find an etching of Alexander McKellar, "The Cock o' the Green," a retired butler who neglected a small tavern in pursuit of the higher life of golf. Mr. Paterson's memoirs of Alexander and his chapter on Edinburgh golf in the letterpress of the volume contain many interesting marginalia of Scots golf. McKellar was a respected Edinburgh worthy, and his favourite expression as he walked up to a perfect lie: "By gracious, this won't go for nothing!" became a favourite phrase on the links.

A vivid picture of the golfing community of St. Andrews as Lord Cockburn saw it, when he went the North Circuit in the Spring of 1844, has a very modern ring about it. Cockburn's "Circuit Journeys" is not a mere record of

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legal work, but contains interesting pictures of Scots life of the day by a shrewd observer.

“The people of St. Andrews,” he says, “have a local pleasure of their own, which is as much the staple of the place as old colleges and churches are. This is golfing, which is here not a mere pastime, but a business and a passion, and has for ages been so, owing probably to their admirable links. This pursuit actually draws many a middle-aged gentleman whose stomach requires exercise, and his purse cheap pleasure, to reside here with his family ; and it is the established recreation of all the learning and all the dignity of the town. There is a pretty large set who do nothing else, who begin in the morning and stop only for dinner ; and who, after practising the game in the breeze all day, discuss it all night. Their talk is of holes. The intermixture of these men, or rather the intermixture of this occupation, with its interests, and hazards, and matches, considerably whets the social appetite. And the result is, that their meetings are very numerous, and that, on the whole, they are rather a guttling population. However, it is all done quietly, innocently, and respectably ; insomuch, that even the recreation of the place partakes of what is, and ought to be, its peculiar character and avocation.”

Fifty years earlier than this, John Campbell, our own Lord Chancellor, had played golf at St. Andrews when he was at the University there, and characteristically noted that : “Although never an enthusiast in this or any other game, I think it is much superior to the English cricket, which is too violent and gives no opportunity for

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conversation"—a demerit in cricket which could only have occurred to the mind of a Scots student.

Charles Kingsley, in a letter to his wife written in modern days from the same city, views these high matters in saner perspective and with a nobler charity, when he delivers this message to his son: "Tell Maurice golf is the queen of games if cricket is the king; and the golfing gentlemen as fine fellows as ever I saw." A verdict which should satisfy the most devoted follower of the Royal and Ancient Game.

I refrain from setting down more modern marginalia, but it is perhaps interesting to note that as late as 1892, when Stevenson published "*Catriona*," he thought well to add an explanatory footnote as to the meaning of the title of his chapter, "*The Tee'd Ball*." I take leave to think that such a note to-day would be as redundant as if an author, when he wrote of his hero "getting out of a scrape," were to explain in a note that his imagery was founded on the golfing rule relating to rabbit scrapes. For to-day we are all versed in the language of "the queen of games."

CHAPTER XIV

CONCERNING LOUIS CALVERT

The play is done ; the curtain drops,
Slow falling to the prompter's bell :
A moment yet the actor stops,
And looks around to say farewell.

The End of the Play (THACKERAY).

LOUIS CALVERT was a friend and occasional companion of mine for many years. He was Manchester-born, and Manchester became my spiritual home by an accident arising out of, and in the course of, my employment. Louis' work took him wandering over the country, my job was centred in a narrower circuit. For many years I wrote dramatic criticism, and in spite of the acknowledged custom of that dismal trade, I chose to write in praise of actors rather than in blame of playwrights, but then I did not write plays myself at that time, as so many critics do nowadays. Looking back on the actors whose work I remember I am satisfied that Louis Calvert was one of the few who might fairly be called an actor of genius.

We were both members of the Brasenose Club in Manchester "full thirty years ago." There, all sorts and conditions of men would meet and talk on any subject at any distance from that subject. As Frank Merriman, our

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poet laureate, reminded the then new generation, these were the ancient traditions of the Brasenose Club.

The language there, so pure and rare
So excellent in tone,
Was always cheerfully confined
To limits all its own.
Its range—the loftiest flight of thought ;
Its scope—the earth below,
The heavens above (though dimmed with smoke),
Full thirty years ago.

Doubtless the old Club still remains governed by the maxim, *Stare decisis, et non quieta movere*.

Louis Calvert held by the Brasenose traditions all his life. He remained young and ardent to the end, and wherever two or three were gathered together in the right, or any other place, he would hold forth about his beloved art. His dogmatism was peptonized by his simplicity, enthusiasm and knowledge. I put these qualities in “the order of going in.” Louis could babble about himself without offence to anyone but a prig. Certainly there was a great deal of what “I say” and “I do” in his talk. A critic once staggered him by saying, “Calvert, I tell you what you are : you are an egoist.”

The answer was prompted by simple honesty rather than conscious wit.

“Nonsense, man,” he replied, with his expansive smile and a tolerating shake of the head. “I am no egoist, I know !”

And there was more truth in this than Louis himself knew. The fact is, like many artists born of artist families,

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he had a great deal of hereditary instinct towards good acting, and being a shrewd witty man with earnest love of his art he continued to acquire knowledge about the art of acting to the end of his days. In fact, when he said, "I know," he was not boasting but merely stating a fact.

Had he been of the Shakespearean troupe of actors that visited Elsinore, he would not have tamely accepted Prince Hamlet's theory of acting, with a submissive "I warrant your honour," but would have argued it out with him during the rest of the rehearsal. In the same spirit, had he met Melina's troupe of actors at Hochdorf, he would have sat down and held his own in Wilhelm Meister's discussions about the stage, and been listened to with approval by Old Boisterous and Laertes, whilst Philina and the little Mignon had certainly fallen in love with this expansive disciple of the theatre.

Scientists who claim that a son inherits his good qualities from his mother may safely cite Louis Calvert in evidence. For Adelaide Helen Calvert was a leading actress of great capacity, working almost continuously at her art for nearly seventy years. She was the daughter of James Biddle, a comedian, who played in what was known as Harvey's circuit, which included Plymouth, Weymouth, Exeter, Jersey and Guernsey. This was in the eighteen-thirties.

It is interesting to note that a hundred years ago these places had better opportunities of seeing good acting than they have to-day. In 1842 Adelaide Biddle, aged seven, was playing the Duke of York in *Richard III*, and at sixteen was already promoted to Ophelia and Desdemona when no star joined the company.

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About this date, the young lady and her sister were engaged to play walking ladies to Miss Suter's lead, but Miss Suter falling ill, Adelaide Biddle took her place with great success. The stage manager was young Sothern, whose stage name at that time was Douglas Stuart; and a young recruit to the company, who seems to have joined them with about as much knowledge of the stage as Nicholas Nickleby, was Charles Calvert.

Charles Calvert was the son of a London merchant. He was well educated and had studied at King's College with a view to entering the Church. He was a man of strong religious temperament, and coming across the works of Swedenborg he became a Swedenborgian, and felt it would not be consistent with his ideals to pursue a career in the Church. Business life had no attractions for him, and he joined the Plymouth company at Weymouth as an actor at £1 1s. a week.

Charles fell in love with Adelaide and proposed to her, but old Biddle wisely counselled delay. He and his family soon afterwards went to America, but the young couple remained true to each other, and Adelaide returning to England, they were married at Lambeth Parish Church in 1856. How Calvert became manager of the Prince's Theatre, Manchester, and how he revived an interest in the Shakespearean drama are worthy chapters in the history of the English Stage.

Louis Calvert was born in Manchester on November 25, 1859. He and his brothers, Leonard and William, were educated at Dr. Adam's private school at Victoria Park. Louis' father and mother were busily engaged in the life

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of the theatre, but Charles Calvert forbade Louis to think of the stage as a career, so that when school life was coming to an end, it is not surprising that the adventurous Louis ran away to sea. When I knew him he still handled a sailing boat with natural skill, and was a wonderful swimmer, and I always fancied that on the boards he had a sailor's gait and a sailor's power of standing firm and still in moments of stress.

The life of an apprentice on a windjammer had no future to satisfy Louis' ambitions. Somewhere about 1878 he found himself at Durban. He worked there, he told me, in many capacities, and finally was guard on a local railway train. He made the acquaintance of some strolling actors, and having finished his railway work, used to go on in small parts every evening. One of the railway directors, having seen him on the stage, advised him to stick to one job or the other, and strongly hinted to him that he was a better actor than a railway guard.

It was this incident that made him decide to follow the family profession, and once he stepped upon the stage there was no likelihood of his being allowed to wander away from what, beyond doubt, was his natural element. Whether you agree with my view that he was an actor of genius matters not for this purpose. He was bound to be an actor and remain an actor, because of his natural instincts for acting and his unequalled ability and utility among any combination of actors. Wherever a company of players was gathered together there was always a welcome for Louis Calvert. He was one of those rare artists who knew his business. When a young beginner would

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express doubts about whether he was rightly cast in the part assigned to him, you might see Louis puff out his lips and cast up his eyes : " Laddie," he would say, " I have played every part in *Hamlet* except Ophelia, and I would play that to-morrow if they would ask me."

I thought when I heard him tell this story that I had caught him in a slight exaggeration, so I asked him somewhat pedantically : " What about Gertrude, Queen of Denmark ? "

" Oh ! yes," said Louis, with a wave of his hand, " I played her, and the Player Queen too, at Dr. Adam's school."

I confess I should like to have seen his Ophelia, and I believe it would have had moments of histrionic interest and importance.

His stage comrades at Durban recognized his value. He went with them from there to Melbourne, whence he returned to England in 1880. From that day until his death in 1923 he was continuously at work acting or producing in England or America, in fellowship with the best-known artists of our time.

The first decade of Louis Calvert's stage career was a busy one. He acted in company with Miss Wallis, George Rignold, Henry Irving at the Lyceum, Mrs. Langtry, Osmund Tearle, and played Lawyer Parsons, a small part, in the *Run of Luck* at Drury Lane. Not a bad ten years' work for a student. But Louis never ceased to be a student. " Never too old to learn," was a favourite saying of his.

And he would learn of anyone who had anything to

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teach. One of the blots on the educational system of our schools and colleges is that the scholar has no choice of schoolmaster, a blundering business, since it is obvious that only a scholar can tell you whether a master is capable of teaching. With the art of acting it is different. Louis was always ready to listen to and weigh criticism, and cared not whence it came.

After the first night of *Daddalums* at Wyndham's in June, 1920, when the leaders of the profession crowded round him to congratulate him on his triumph, a little Welsh schoolmaster whom Calvert had met on tour sent in his card and was received with kindness. He started nervously with some remarks upon the way Louis had interpreted a certain scene. Louis encouraged him to continue, and when he had finished thanked him, saying: "By Jove! you're right!"

As he left, Louis turned to a friend who was with him and said, "That man is a student of human nature. I was trying too much to be a student of the theatre." Louis was always an enthusiast for the human touch. "Humanity pays," he would tell his young friends. "Cynicism doesn't."

Calvert spoke of Osmund Tearle as a sterling actor. I remember seeing him in Manchester in the 'eighties, but I do not remember that Louis was with him. Tearle played in one week *Virginius*, *Othello*, *Lear*, *Macbeth*, *Hamlet* and *Richard III*. In *Virginius* he seemed to me to drown the emotion of the play in mere noise, but maybe the play requires a hot sauce of declamation to make it palatable. In *Othello* he played with great force and dignity,

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and gave a fine picture of a soldier and a gentleman. Louis learned a lot under Tearle's management, I fancy. His own *Othello*, which I saw at Deptford at a much later date, had some beautiful moments in it.

In the second decade of his career, beginning, let us say, about 1890, he formed a company of his own and played a great many of Shakespeare's plays and Goethe's *Clavigo*, Browning's *A Blot in the 'Scutcheon*, Ibsen's *Rosmersholm* and *An Enemy of the People*. This was a very great achievement for a young actor who had worked his way up from the bottom rung of the ladder without money or influence.

Louis Calvert's production of *Love's Labour's Lost* in 1893 at the Gentlemen's Concert Hall, Manchester, was a very considerable triumph. It was his first piece of work as a producer that I remember to have seen. He himself played Biron in the true comic spirit. He was a fine figure of an accomplished courtier. In the scene in the fourth act where the King and his Courtiers forswear themselves, Louis, with his pleasant fat face peering through the fork of a tree, throwing his jesting asides across the footlights, got full value of laughter out of the author's gibes. Certainly he gave us a show of fantastic comedy conceived in a right comic spirit and the tennis game of words, in which quips and epigrams are hurled, caught and thrown back again smothered in laughter, was played with athletic zest. I confess I did not know there was so much life in the play, but that was one of Louis' great qualities in all his productions—vitality.

About the same time Frank Benson invited Louis to

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play Brutus in a revival of *Julius Cæsar*. This was a great event in Manchester at the time, and I can honestly say that it stands out in my memory as the best interpretation of the play that I have seen. Louis was a first-rate Brutus. He made him a sturdy orator of the John Bright type, tense and sincere, delivering his advocacy in tones of righteous force and honest simplicity. I have often thought that there was a lot of Brutus about Louis and not a little of Louis in Brutus. Each of them stood foursquare to the winds, conscious of his own rectitude and certain of his own conclusions. If Shakespeare had known Louis personally I fancy he would have made Brutus end one of his arguments in Louis' phrase: "Remember, citizens, I know." Certainly no actor ever got inside the skin of a great Shakespearean part more cunningly than Louis did in Brutus.

It was soon after this that he took part in Richard Flanagan's Shakespearean revivals at the old Queen's Theatre in Manchester. It was a thoroughly early Victorian playhouse of draught and discomfort, but there was flamboyant Shakespeare to be seen there: *As You Like It*, with real deer, real dogs, and real rabbits, in the forest of Arden, and *Much Ado*, with a society wedding, a real organ, and if I remember rightly, "The voice that breathed o'er Eden." Flanagan had been a property man, and Shakespeare being himself a man of the theatre would have thoroughly approved much of the scenery and dresses and armour and silver-gilt with which Flanagan adorned the scenes.

But when Louis Calvert joined forces with Flanagan

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the judicious observed that more of the spirit of Shakespeare was apparent, without denuding the stage of the grosser glories that dazzled the eyes of the groundlings.

Louis Calvert filled the old barrack of a playhouse with lovers of Shakespeare of all classes as his father Charles Calvert had done at the Prince's and Theatre Royal in earlier days. Louis Calvert's acting of Antony in *Antony and Cleopatra* and of Falstaff in *Henry IV* are great memories.

Falstaff is a fat part, and Louis made it even fatter. He got every ounce of wit and dry humour out of the text, but he got this much more, that some Falstaffs do not achieve, he was an indolent lolling Falstaff who suffered the bantering of his companions almost sadly, until their quips seemed to move the man-mountain to retaliation and he turned the torrent of his wit upon his tormentors. Louis could justly speak the line: "I am not only witty in myself but the cause that wit is in other men."

Perhaps the reason that Louis Calvert never became a great star was because his actor-mind tended to delight in team work. His Falstaff gave us undisturbed delight, and I fancy our affections were engaged by the very fact that he allowed himself to be the real butt of his companions, and we pitied him and rejoiced when his wit overtopped their banter.

I think it was in his Antony that I first observed how ably he controlled his voice, for in some parts of it he seemed to me to handle it very violently, yet he never really overstrained the instrument. And as he often said, his favourite musical instrument was the one that God

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gave him—the voice. He had a rich, well-toned violoncello sort of voice, with a burr or rumble in it very effective in Falstaff and comic parts. Yet though he practised scales on it and played upon it as a master, he never let it master him, so that Irving's jest, "What a wonderful actor X would be if he didn't know he'd got a voice," was not said of Louis. Louis and Irving were at one in their knowledge of the part that the voice played in the art of the stage. It was the instrument that produced the melody that entranced the audience. Scenery, lighting, even the words of the play itself, were only there as minor instruments to accompany the voice.

Again, in his production of *Antony and Cleopatra* the team work was excellent, and Janet Achurch was a royal companion in *Cleopatra*. Her death scene, seated on her throne, was a wonderfully thrilling effect. The company under Louis' guidance got more of the spirit of romance into the play than I could have conceived to be possible. Moreover, it was a popular success. There were audiences ready to welcome Shakespeare in those days.

Team work in stage production was not, of course, a new thing in Louis' day, but it was beginning to overcome the old traditions of the star and the stock company. Louis had many stories of how little it was appreciated in his early days of touring with a star. On one occasion he was playing Beauséant in *The Lady of Lyons* to the star's Claude Melnotte, and at the end of Act IV as the great actor came off he said to Louis, "That was a fine round of applause I got to-night, wasn't it?"

Now Louis thought that he had contributed to the effect

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of the scene by the mortification and rage which he had displayed under the hero's abuse, so, remembering the story of the blower and the organist, he replied nonchalantly, "Yes, we did get a good one."

"We! Do you think you had anything to do with it?" asked the star, somewhat amused at the notion.

Louis nodded.

"You flatter yourself, sir," said his chief as he walked away.

So next night to test it Beauséant received Claude Melnotte's tirade with submissive respect. The applause started, but died away of a sudden.

As Louis said with truth, "A small part in a good drama requires the same art in its creation as a small figure in a great canvas. The two arts are akin." But this obvious truth was not so well appreciated fifty years ago as it is to-day.

Louis was very eloquent on the importance of listening on the stage. "The actor by listening," he would say, "causes the audience to listen." This is, of course, of even more importance to-day, when so many plays are didactic, and built entirely of dialogue, than it was in an age when the playwright built his play upon the safer basis of action.

When Louis created one of Bernard Shaw's leading characters, Andrew Undershaft, in *Major Barbara* he had to utter a long harangue about things in general, which was but poorly listened to by the other players and was not very effective. It clearly bored them and bored all but the most faithful in the audience. I suggested to Louis

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that, if the author would permit it, he should button-hole each of his fellow-actors and talk them stiff, and when he turned away to speak to another character the first victim should escape, and so on until he was left alone on the stage, and then he should come down to the footlights and pour sociology on the heads of the audience. He was full of the idea, but whether he ever dared to propose it I do not know. But for an actor to listen on the stage to what would bore him to tears in real life is unnatural and does not really persuade an audience to listen.

Calvert's touring days were now drawing to an end, but he still continued to keep a company going with Burnand's excellent melodrama *Proof*, in which he played Pierre Lorange, and this gave him a regular income. But he was always ready to try for higher game. As early as 1893 he produced *A Blot in the 'Scutcheon* at the Opéra Comique, and a little later played Macbeth and Antony at the Olympic.

But his real introduction to the London Theatre did not take place until Tree invited him to assist in the production of *Julius Cæsar* at Her Majesty's, and to play Casca. It came about in this way, and is an instance of the familiar adage: "What Manchester thinks to-day London thinks to-morrow."

Richard Flanagan, who was a kind-hearted fellow, had been a property man with Charles Calvert and being willing to give the son of his old patron a chance, invited Louis to play in his next Shakespearean production. They chose, as I have said, the first part of *Henry IV*, and made a fine pageant of it. It was produced on February 4, 1896.

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A great feature was a tableau of the Battle of Shrewsbury painted by Grimshaw. Mollison played Hotspur, Mrs. Charles Calvert, Dame Quickly, and Cookson the King. Headed by the Lord Mayor, Manchester marched across Deansgate to the old Queen's and gave Louis a rousing reception, and the piece ran for four weeks with great success.

Beerbohm Tree, who was always ready to welcome novelty, came to see this show and was vastly pleased with Louis' production. He bought the scenery, and in May of the same year himself produced *Henry IV*, playing Falstaff. Louis did not play with him, though Tree engaged Mollison to play the King.

In November of the same year, when Tree was in Manchester, he paid Louis Calvert the compliment of asking him to play Falstaff to his Hotspur. Louis was touring in South Shields with *Proof* at the time but gave himself leave of absence, and the result was a brilliant triumph for both actors. A Sunday banquet was given by the members of the Brasenose Club to Tree and Calvert. In those days this was considered rather a daring procedure in Manchester. But the evening was a great success, and towards Monday morning Lionel Brough was still telling delightful stories to a delighted audience. I had the fortune of telling him a Lancashire story he did not know, and as he said farewell to me to catch an early newspaper train for the North, he said very solemnly: "Please heaven I reach Newcastle before your story."

Louis used to date his entry into the greater world on the stage from that evening. He had, as it were, graduated

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in his chosen profession by playing on an equality with Tree, and a reception such as he had received from Manchester audiences was in those days a passport to London green rooms.

The next year, however, he devoted to his production at the Queen's of *Antony and Cleopatra*. Mrs. Tree was to have played with him, but this fell through and Miss Janet Achurch was Cleopatra. The production played to big houses for eight weeks, which was quite an unprecedented run.

No one was surprised to hear, therefore, that in January of 1898 Louis was helping Tree to produce *Julius Cæsar* at Her Majesty's. Louis was steeped in tradition and Tree was bubbling over with artistry. There was a clash of temper and personality between them, but in the result an entertainment was arrived at which rejoiced London playgoers for six months.

From this time onward Calvert was in great demand as a producer. The next year he produced *Cyrano* for Wyndham, and not only played Billaud Varennes in *Robespierre* but arranged for Irving the crowd in the Hall of the Convention, which was one of the most vivid and tumultuous mobs that ever held the stage.

Louis' ways with supers were kindly and persuasive. He seldom broke in on failure with sarcasm and impatience. He had no use for Irving's stage manager who threw up his hands and shouted at the leaping crowd in the Brocken scene: "'Ere! 'ere! not so 'appy! not so 'appy! You're not on 'Ampstead 'Eath! You're in 'ELL!" His very indefiniteness in drilling and instructing his crowds gave

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them a spontaneity that more scientific methods could not create. However humble the actor, he gave him something to do and made him a shareholder in the concern.

It was in the summers of these years that Louis would spend a few weeks with us in a remote farm in North Wales. He was an amusing companion and delighted the children with his drolleries. Our house had a small veranda doorway with two narrow doors, one of which was usually bolted as it was a windy place. The outlet by the half-door was meagre and Louis was otherwise. I well remember one summer afternoon when I was lolling in a deck-chair beneath our only tree, and the children, four of them, from five years old to twelve, were sitting on the lawn in front of the doorway basking in the sun. Suddenly Calvert appeared at the doorway and accidentally stuck in it as he was coming through. The children caught sight of him and on the moment were off in fits of laughter, which good manners required them to stifle as he came among us. But if laughter challenges manners, the latter generally get the worst of it, and the mere memory of the incident sent one or another off into small explosions of laughter. Calvert, who always wanted to be in at any fun, sought explanations, which only made them laugh the more and reprove each other for doing it, and whilst their attention was so engaged I told Calvert what the joke was. A few minutes later he went back into the house, making an elaborate sideway entrance, which started the young audience on the laugh again, and all eyes were fastened on the door watching for his return.

And he did return and gave us one of the finest

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pantomimes I have ever seen. He came along loading a pipe, not looking at the doorway at all, and stuck fairly fast in it before he was aware that he was up to it, and opened his eyes in annoyance and amazement. Four shouts of laughter greeted him. Fingers of delighted mockery were pointed at him, and he made a face as if he were on the brink of tears, which drew echoing tears of uncontrollable laughter from the youngsters. Then his pipe dropped on to the shingle path in front of the door and he dived to get it and failed, and grabbed and kicked in the air until the children threw themselves on the ground and sobbed and begged him to leave off for he was hurting them. Then Calvert, to give them a moment's respite, pulled himself together and still fast in the doorway rested his hand on the door-post and thought dismally while the audience sobbed and sniffed and slowly recovered breath enough to laugh again. By a mighty effort he now backed out of the doorway and approached it, as Uncle Remus would say, "behime" first. This was a signal for yells of delight, the more so as the manœuvre resulted in the most undignified and comic failure. All beautiful and simple people have a thoroughly broad and healthy laugh for the "behime" quarters of man in awkward positions. A man sitting down on the ice, a man sitting on another's hat—these are situations that can never cease to be funny whilst there is any fun left in the world and simple minds to be moved to laughter. But this effort at an exit was only one of many. A carefully designed strategic move edgeways, after the fashion of Bob Acres, which was so nearly successful, that it grew really exciting

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to watch, ended in hilarious shouts and yells, when the climax of it was the victim waving his arms and head out of the door and kicking violently inside the house and calling for help. This business having nearly reduced the audience to exhaustion, there was further pantomime of deep expressive thought, followed by a solemn retirement within the doors and a laboured and careful pulling at the bolts of the other half of the door and a ceremonial entrance through the whole double space of it, with a smile and sigh of supreme content at the glorious triumph over difficulties undergone and vanquished. I can see in my mind's eye a middle-aged gentleman with tears rolling down his cheeks and four absolutely limp children lying on the grass still gasping with laughter—dying with laughter, as the phrase is—and begging Calvert in the intervals of their spasms to “Do it again!”

It was here that Louis read me *Sweet Nell of Old Drury*. If ever a play was “made with hands” it was *Sweet Nell*. It had already been transformed from something quite different when I heard it, and Louis was still busy fashioning it for the theatre. I remember that Judge Jeffreys sentenced someone to death in Chambers under Order XIV, as it were. My historical and legal instincts resented this, and to please me an alteration was made. At the same time Louis explained to me the utter unimportance of history on the stage so long as the action moves and the joints of the dialogue do not creak.

In spite of, or perhaps because of, his unlearned outlook upon the literary aspect of the drama, Louis Calvert was an excellent judge of a play from the box-office point

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of view. His love of Shakespeare and other good poetry showed that he was really interested in plays as literature, but when he considered a play, for the purpose of staging it, he was essentially practical in his methods. The sole question was, would it act? Or to put it in a phrase less complimentary to the profession, was it actor-proof? He used to say *Hamlet* and *East Lynne* were absolutely actor-proof, and his own favourite *Proof* very nearly so. Certainly I never remember seeing a performance of *Hamlet* that did not interest me, and I have seen some strange interpretations.

Whatever Louis Calvert took a fancy to he did it, when he did at all, with all his might. He became a keen golfer and went away to Scotland to learn at first-hand from the experts. He was a left-handed player, and put himself in the hands of a noted and experienced Scots caddie. Louis ordered him to note what he was doing and pull him up when he went amiss. The caddie altered his grip, his stance, and everything he could think of, but no good came of it.

"Look at that!" said Louis as he topped the ball a few yards. "What am I doing?"

"I'll watch you play the next twa shots and then I'll be tellin' ye."

Two more fozzles followed and then the professor shouted with glee: "I hae it! I hae it! I know what ye're doin'! Ye're standin' the wrong side o' your ba'."

He then sought James Braid's advice and asked him how much strength he used in driving, and received the simple advice: "I just hit as hard as I can." Louis tried this

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recipe without success. Then he put his woes before Braid, and that great man discoursed to him on grip and stance and the fixity of the head and other mysteries of the art. "Then," said Louis, "I saw it! It was just like acting. You can only throw your whole strength of passion into a scene of tense emotion if you are sure of your technique. It's just the same with driving. From that moment I began to play golf."

He certainly became a skilled player considering the time he had to give to it, and there is no doubt that it is a valuable form of exercise for actors, who seem to achieve great proficiency at the game.

It would be pleasant to recall many of Louis' successes in the Shaw plays and in Ibsen, as well as in musical comedy and plain farce. He played in more varied rôles than most modern actors. In later years he was much in America, where he was greatly esteemed as an actor and producer.

The last time I saw him act was as Caliban at the Aldwych in 1921. His performance was not well received by the critics, but personally I rather enjoyed his interpretation. After all, there is enough in the text to justify an actor playing Caliban as an anthropoid who has been dispossessed by a syndicate which has taken on the White Man's burden by occupying Caliban's island and enslaving him. Louis made more of the pathos of the poor monster's condition and laid less stress on the ugly grotesque of the creature, which I gather is all that the critics consider should be emphasized.

But in all that Louis did there was purpose and intent. He may have been wrong in his interpretations, but it was

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not for want of thinking things out. His little book on the art of acting shows how carefully he had thought out the practical problems of his art. And his conclusion of the matter is much the same as that of an old playgoer, Sir Thomas Overbury, who in his character of an excellent actor says, "Whatsoever is commendable to the grave orator is most exquisitely perfect in the actor; for by a full and significant action of body he charms our attention: sit in a full theatre and you will think you see so many lines drawn from the circumference of so many ears, while the actor is the centre."

Louis Calvert died in New York on July 19, 1923, at the age of sixty-four. Only a few days before his death he had been playing with some students of the New York University, whose ruling authorities recognized the good work he was doing in bringing the stage and the schools into nearer co-operation.

He was never happier than when he was the centre of a group of earnest young men and women who regarded their profession as a ministry of service.

CHAPTER XV

CONCERNING SHAKESPEARE ON FATHERS

Who would be a father !

Othello, i, i.

IT was a bright thought of Shakespeare's mother to publish William on April 23, 1564—on St. George's Day. It brings home to us the truth of that wise saying, "Mothers are always right." St. George was a strong man and is credited with the death of one dragon, but Shakespeare slew his thousands. Cant, humbug and hypocrisy went down when he shook his spear. We admire the inventors of gunpowder, the plough, the spinning jenny and the steam engine, but Shakespeare did a bigger thing, he invented the written word of the English language. The grains of gold, no doubt, were lying around, but he collected them, arranged them, passed them through the furnace of his genius and welded the gold he obtained into massive plate for our intellectual sideboards and the filigree jewellery that now adorns the humblest English speech.

Journalists of all men should throw up their hats on the twenty-third of April. If it had not been for Shakespeare how could they worry through with their daily job ? Where would they be without their pet phrases ?

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“Age cannot wither,” “the pity of it,” “trifles light as air,” “the green-eyed monster,” “a divided duty,” “more sinned against than sinning,” and “an excellent thing in woman,” etc., etc., etc. Without Charles Dickens’s characters and William Shakespeare’s words a journalist’s life would indeed be an unhappy one. But as it is they can settle down to their lonely furrows whistling like careless ploughboys. Though at times the thought must come to all of us that it is almost sacrilege to make such common use of holy things. When I come across a Shakespearean phrase in the writing of another, I am often tempted to remember the well-worn couplet :

Imperial Cæsar dead and turned to clay
Might stop a hole to keep the wind away.

Needless to say, my own apt larcenies from the poet’s granary never provoke such thoughts.

Shakespeare is meat and drink and washing, not to mention rates and taxes and insurance stamps, to all journalists of sound learning and religious education. I love to meet the old tags in the long-winded leader ; it is like coming in sight of land when you have been for a long time at sea, and I have boasted in my dreams that if Shakespeare had not crystallized all these ideas into classic phrases I should have had to invent them for myself, so necessary are they for the right expression of my own paltry thoughts.

I have often gone about with a conviction in my mind that I had found a new theory about Shakespeare, but when I investigated the matter further I generally discovered that some German had already written a book the size of

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a cheese to prove that it was not so. The other day, taking up my beloved single volumes of all the plays, by way of an anodyne when I was lying on a bed of sickness, I made a great discovery about Shakespeare which I believe to be entirely new and original. Anyhow, I am not going to search the higher criticism to find that it is not so. .

We are constantly being told that this is a degenerate age, because modern children will not do as they are told and pay due reverence to their fathers. In the good old days, it is said, children, especially daughters, looked up to their fathers as patterns of righteousness. I have studied the subject of fathers more than most, I have had some small personal experience in the business, and now that I am retired, so to speak—"into the sear, the yellow leaf"—how thoughtful of William to say that—and have commenced grandfather, I am beginning to take the side of the children—and especially the grandchildren.

After mature thought I am clear that Shakespeare discovered fathers to be absurd and ridiculous persons. How true this is to-day. Mothers, of course, are entirely beautiful and sacred personalities, but a father is or ought to be a low comedy part. Socially and dramatically he should be what is called a good "feeder," something stout, absurd and humorous on which the clever ones of a younger and better generation can whet their wit. The Americans have an anecdote of the typical daughter who rushes with haste to her sisters, bursting with the good news, and crying out joyfully, "Say! Isn't it real splendid. Poppa's been bitten by a mad dog and we are all going to Paris."

Even among the Fundamentalists it is already generally

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recognized in the United States that Poppadom is a rash and hazardous speculation. The older generation endeavour to instil a spirit of independence into the "amachoor father" of to-day. Mr. Dooley may proclaim that "Parents was made before childer, annyhow, an' they have a prior claim to be considered." The answer of the new generation to this and similar propositions is invariably in the negative.

A wise father, if such there be, will not receive this decision with depression. If he will study the modern philosophers on the subject in such scientific works as "The Parent's Progress," "Fathers in Folklore and Myth," "Poppa's Place in History" and "Palæolithic Paters," he will find that in all the really spacious eras of the world's evolution the social and moral position of Poppas was, in the more advanced communities, much as it is to-day.

This is particularly true of the Elizabethan age. You will find that the fathers of Shakespeare's plays were entirely like the fathers of to-day, both in absurdity of action and ignominy of fate. Their position in the social scheme was rather financial than advisory. If they so conducted their lives and spent their money in amusing their offspring, then their families suffered them gladly and they were considered by their contemporaries to be both wise and fortunate.

Now in a far less virile age—in the eighteenth and nineteenth centuries—it was quite otherwise. Poppadom or fatherhood seems then to have been—at all events among the wealthy classes—a kind of profession in itself. Papas were generally well endowed but had apparently no useful

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occupations apart from paternity. They lived in country houses, never went to work, and were exceedingly irksome to their wives and children. Mr. Fairchild is, perhaps, the most horrible example of the Poppadom of his time. He seems to have been genuinely puzzled by the moral lapses of his offspring, and his knowledge of social accoun-tancy was so limited that he failed to carry the discredit of their misdemeanours to his own deficiency account.

Jane Austen's fathers are a melancholy race. The inefficient Mr. Bennet could only live on a terminating annuity and beget children without working to provide for them. Mr. Woodhouse, Emma's father, was what a dean once described as "the Scarlet Limit." He had no conversation either rational or playful. He lived a life of "gentle selfishness," and his daily good deed seems to have been repeated with absolute regularity when "he composed himself to sleep after dinner as usual." The daughters, of course, were chiefly to blame for these unpleasing characteristics of their male parents, since they are stated to have "cherished" such Poppas. This, I take it, was done to attract the attention of landed lovers yearning for paternal dignity. No wonder that, recruited after this fashion, the landed gentry disappeared from the earth they encumbered.

Jane Austen is too great an artist to make her fathers wise or worthy of respect, and doubtless the age in which she wrote would not have tolerated a frank picture of the low comedy nature of a county family Poppa. It is happily otherwise to-day. And what I find so encouraging is that it was equally so in Shakespeare's time. This discovery

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of mine should do much to hearten those Jeremiahs who think the family life of to-day is a symptom of the decline of our civilization. All Shakespeare's fathers are comic people behaving in an absurd way, and are treated by their daughters just as they would be if they lived in the New York or London of to-day.

Shakespeare being a natural playwright, chose his themes from the daily life of the people by whom he was surrounded. He has one motive for a play which he uses again and again. He takes an absurd father, he makes him behave towards his daughter in a perfectly normal, ridiculous and exasperating fashion, and then achieves human comedy by allowing the flapper to spur her sire on to repeated indiscretions until he falls a victim to her wiles.

Open your Shakespeare at *The Tempest* and consider, for a moment, Prospero as a paternal proposition. He apparently has brought up Miranda in ignorance of her rights in relation to the throne of Milan, and now proceeds with a series of long-winded reminiscences to explain the position. Once she discovers that she is a right-down regular princess, the old gentleman's discourse about his bankruptcy and exile could not possibly interest the girl. Three times he calls his daughter's attention to the fact that she is not listening to him; and every time with courteous but deceitful toleration she assures him that she is, and the old gentleman wanders on with his tale in selfish complacency.

As written, this is an intensely modern scene, but I have never witnessed the full comedy of it in representation. You may say that after all Prospero has his way, and that

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Miranda marries the man of his choice. But note what pains the dramatist takes to make such a strange fact palatable to his audience. The scene is laid in a desert island. Prospero is a wizard—which some fathers are not—furthermore, do not forget that the young lady had never met any other single young gentleman except Caliban, who, though willing, was considered ineligible. With all this in his favour, Prospero has to degrade himself by falsely pretending that Ferdinand is a waster. Upon that hint the dutiful daughter falls deeply in love with him. How modern! What a pleasant, up-to-date Scandinavian play could be written, dated a year or two afterwards, when Miranda gets to the Mainland and meets further and better Ferdinands. We may be thankful Shakespeare did not like that kind of play.

And what say you to Egeus in *A Midsummer Night's Dream*? Does he not write himself down an egregious ass, and yet, mark you, what excellent comedy Shakespeare weaves from the threads of his folly. Fancy appealing to Chief Justice Theseus or any other legal tribunal to maintain the law against the whims of a woman! And what a sane, excellent climax is reached. The laws of Athens are set aside with costs against Egeus; including the costs of the wedding of his daughter Hermia to Lysander—to which he, wisely no doubt, had objected—together with a fair share of the expenses of Theseus's feast to Hippolyta. Of course, Hermia had her own way, so had Helena, so had the young men, so had everybody in the play except the poor old father. Truly, I think Egeus was a very modern Poppa.

In *The Merchant of Venice*, again, the whole story turns

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on that vain inspiration of the deceased owner of Belmont, name unknown, to set up a merry lottery—which was not then illegal—with his daughter as the first prize. But what a senile idea! As though the clever Portia would allow the wrong man to guess the riddle, which was not the old man's affair at all but the riddle of her life. How sad to remember that even the wise financier Shylock is brought low by being a father, and it lacks charity for a Christian world to triumph in laughter at the perfidy of his unpleasant little daughter.

In *As You Like It* you have two of the meanest and most uninteresting of fathers; but Shakespeare's genius gets a play even out of such human trumpery. One parent is portrayed as basely deserting his daughter and having a fine picnic in the backwoods, with a lot of boon companions who have apparently also deserted their womenkind; the other—not unnaturally wearying of having an extra daughter thrust upon him—makes himself so impossible that his own daughter, in company with his niece, in proper and natural disgust, leaves him to himself.

Duke Frederick was a more than usually pudding-headed Poppa. Even among the hard-boiled inhabitants of the Middle West it would be difficult to find his like. It was summer weather, and the Forest of Arden with its merry greenwoods, full of bachelors, was near by. At such a moment Duke Frederick exiled the dominant Rosalind and forgot to turn the key on the pliant Celia. He was, as the moderns say, asking for it. Rosalind was a bright young thing only too ready to jump into pyjamas and go off on the spree. Celia, more maidenly and old-fashioned,

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contented herself with a forest outfit of skirts, but was equally ready to be off. Taking a middle-aged male fool with them, as a kind of chaperon, was a very up-to-date notion in Elizabethan days, but to-day it would hardly disquiet the Home Office.

I like the end of Duke Frederick, who, meeting with an old religious man, is converted from the enterprise of Poppadom, and retires from a world that his daughter's conduct had made too difficult for him. Asylums where old-fashioned fathers could escape from their daughters, if run with a liberal table, comfortable smoking-rooms and no jazz music, might be a success in our own day.

The genius of Shakespeare as a playwright was never more conspicuous than in building the noble tragedy of *Hamlet* on the slender foundation of such an inefficient weakling as the late King of Denmark. It was apparently his indolent and unhealthy custom of an afternoon to sleep in the damp grass of his orchard. In the natural order of things this must have ended in rheumatoid arthritis, but in the interests of the play the impatient Claudius spared him years of agony and unselfishly took upon his own shoulders the care of his wife and son and the duties of his office. Even after he had passed over, the late king could not restrain his ectoplasm from foolish paternal interference in a world to which he no longer belonged.

In this play, too, we have a luminous study of an inept father in Polonius. This immortal portrait of the absurd Poppa has brought hope to many a parliamentary father, since it proves to demonstration that the most doddering conduct of parental affairs is not incompatible with Cabinet

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rank. In no scene is Polonius more beautifully ludicrous, and more skilfully handed over by his maker as food for the laughter of the audience, than when the old man is made to waste his really excellent parental advice on the deaf ears of Laertes, a typical specimen of the provincial University nut. There are still fathers who offer good advice to their children.

In *Othello* you may contend that Brabantio was a good business man, but as a Poppa he gets no medals. He is a typical Fundamentalist in his vulgar rage and despair when he learns that his daughter has run off with a black man. Yet this bourgeois snob, by his plebeian lion-hunting, had been the cause of his own disgrace. By "oft inviting" the noble general to meet his city friends and tell them tall yarns of foreign parts, in which oil fields, quarries and mines were blended cunningly with Munchausen stories, Brabantio threw Desdemona into the society of the gallant soldier and allowed him to spread himself and his adventures before this impressionable young woman. Perhaps the cleverest human touch in the playwright's work, which shows a foresight almost surpassing genius, is the means whereby Shakespeare made this futile person rational to the modern audiences of New York, by telling them in the play-bill that Brabantio is a Senator.

Again, in the greatest tragedy of all, the foundation of the play is the idiotic behaviour of a father. King Lear having brought up three daughters, puts his money on two wrong ones instead of nominating the obvious favourite. The unhappy King indeed goes so far beyond the ordinary futility of fathers that the author is bound to use the

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expedient of insanity to explain his theme, a present help in time of dramatic troubles that playwrights might use to-day more often. Such unreason as Lear's treatment of Cordelia is beyond the bounds of comedy.

King Duncan in *Macbeth* was suggested to me by a friend, to whom I developed my thesis, as a father in whom no fault could fairly be found. But surely, in the account of his decease, Shakespeare wanted to warn the modern monarch against the undesirability of staying in the wrong country house. The story proves that a king should not choose his friends among the *nouveaux riches*, however alluring the chatelaine of the house may be, and royalty cannot keep such doubtful company without endangering the succession.

But I have not time to do more here than to remove some of the slag and lay bare the ore for others to work on. The point is that Shakespeare's fathers were quite as earthly modern as the fathers of to-day, and he recognized the wonderful dramatic value of these absurd people.

And there is another matter that my discovery throws light upon. Shakespeare's fathers are true to the eternal absurdity of the type because Shakespeare was himself a father and, tradition says, no wiser than any other father. And this may be a weapon for you, if you wade into the fray of Shakespearean polemic. Shakespeare, to use a modern Lord Chancellor's phrase, was "a sort of a father." Bacon, according to history, was not any sort of Poppa at all. Doesn't that seem to settle it?

CHAPTER XVI

CONCERNING NUNC DIMITTIS

Lord, now lettest thou thy servant depart in peace, according to thy word.

St. Luke 11, 29.

IT was an inspiration that led the makers of the Prayer Book to place Simeon's Song in the Order for Evening Prayer. A Sunday evening service in an English church is generally a more sociable and comforting function than the more elaborate event of the morning. It is fitting on the evening of the day of rest, to remember the rest that will succeed the evening of life, and it is comforting—I would prefer to write “jolly” if it could be done reverently—to hear of a human being who saw his dreams come true in his own lifetime.

The Song of Simeon is a New Testament parallel to the Book of Job. Both are, of course, interesting examples of the literary righteousness of the happy ending, though neither was intended to teach mankind that happy endings always do occur. But we ought to have faith in such happenings, and I see no impiety or selfishness in maintaining a hope that such a thing may be realized; certainly we should not be so lacking in charity as to envy those who draw lottery prizes in this world, or, what is better, see the

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ideals they have worked for realized before they are called hence.

I have never been able to find out much about Simeon. I remember reading a treatise written to prove that he was a learned rabbi, but my Sunday school teachers held the view that, as St. Luke described him as "a man in Jerusalem whose name was Simeon," he was what we should call to-day just a man in the street. I like to think this was so, for it is peculiarly encouraging to hear that an obscure human being, not highly placed in politics, law, or religion, should see his dreams fulfilled in his own lifetime.

Not that we should all expect such a thing to happen to ourselves. History proves that the best ideals make very slow headway in the lifetime of one generation, but this should not disturb a healthy faith, nor slacken any man's energy in testifying to a truth or working for a cause. I have not the least expectation of seeing Conciliation Courts functioning in my own lifetime, but being certain that they are the Courts of the future it seems to me interesting to describe them, and their methods of working, even to a perverse and crooked generation.

It would be a great pity if the Song of Simeon, cheering and refreshing as it is to the weary worker, should lead him to imagine that he had any prescriptive right to continue at the wicket until the match was won. That is not the way of life or cricket. People are apt to think of longevity as an aim and end in itself. There is no more virtue in longevity than there is in long-windedness. Indeed, they often accompany each other. Too many preachers, in

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old days, sought to emphasize the desirability of long life, and rehearsed the inconveniences of the journey's end instead of pointing out its qualities of mercy. With memories of such old-fashioned sermons in my mind, I read with much pleasure an address of the Bishop of London, in which he told his hearers that he regarded death as one of the greatest blessings we have, and asked them to think of the state of the world to-day if no one ever died. In his view such a state of things would be absolutely intolerable.

I have long been of the bishop's opinion about the mercy of death. "Death is a friend," as Lord Bacon says, "and he that is not ready to entertain him is not at home." When a bishop and a lord chancellor give judgment to the same effect, it is not necessary for me to say anything further than that "I concur, and for the same reasons."

But I am not sure that the bishop is wise in asking one to picture a world without death, or that such speculations are healthy for common citizens. Still, they are amusing, and it would be unmannerly to refuse his invitation.

In the first place, if death were abolished there must be a great deal of overcrowding unless, of course, the birth-rate stopped with the death-rate. In this case the world would stagnate, with a weary and very second-rate population, until it was wiped out by a new Ice Age.

Of course, if the birth-rate continued as usual, then some scheme of migration to new planets might be devised. War, of course, would be discontinued, since war without

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murder would be ridiculous, even in the eyes of a super-militant maniac. Unless it was ordained that you might go on maiming and wounding your fellow-creatures who could and, indeed, must continue to live—a condition of things too terrible to contemplate.

That brilliant philosopher, and jester, Mr. Bernard Shaw, anticipated the bishop's suggestion in *Back to Methuselah*. He advanced the theory that if human beings could live longer they would become wiser. I have met many old men who held this view, but I have never seen much evidence of it in their thoughts or actions. Old men with reasonable health are interesting company, for they have travelled along the road that youth is inquiring about, and are rich in recollection and narrative: but, as Dr. Johnson tells us—and who knew better?—in old age “the opinions are settled, and the avenues of apprehension shut against any new intelligence; the days that are to follow must pass in the inculcation of precepts already collected, and assertion of tenets already received; nothing is henceforward so odious as opposition, so insolent as doubt, or so dangerous as novelty.”

This is exactly what Mr. Shaw discovered in the last act of his play, when most of the fun and satire petered out in a world ruled by dreary supermen and women, who even in the Master's hands become incredibly dull, joyless and absurd puppets.

The artist in Mr. Shaw contradicts the philosopher, or maybe the jester is pulling our leg all the time. But this is certain, that when he portrays the human race as we know it, he makes his elderly politicians and scientists

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talk nonsense, and the scraps of wisdom with which he decorates the dialogue of his comedy are aptly put into the mouth of that young and delightful little lady, Cynthia.

And if so entertaining a writer as Mr. Shaw can make nothing out of a world of He-Ancients and She-Ancients immune from death, but a picture of eternity in the doldrums, is it wise for lesser mortals to let their imaginations dwell upon such horrors ?

Let us rather fasten on the bishop's text that "death is the most merciful thing in the world," for there is a lot of hope and encouragement in such a message, and the more you consider it the more reassuring it appears. For here you have the pleasing spectacle of a theologian ranging himself on the side of the world's greatest thinkers of all time. The cowardly terror-stricken idea of death has not been the theme of the lay writers or the poets and scientists of the past.

The wrong idea of death is the heritage of legends dear to the old magicians and high priests who made creeds after this fashion that they might keep their ignorant congregations under their thumbs by playing on their fears. Nor was such an attitude of mind merely mediæval. In my childhood it was not the custom of the nursery to teach the young idea the bishop's message of the mercy of death. There existed grim and grisly nursery books, devoid of humour, specially adapted to Sunday reading, which dealt with gibbets and raving death-beds and the flames of hell-fire.

In the Victorian era the idea of death was distinctly

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pagan, or, perhaps more correctly, diabolic, and linked to the age of devil-worship and black magic. For it must be acknowledged that many Greek and Roman teachers taught their pupils far saner thoughts about death than fell from the lips of Victorian bishops. When Plato says, "the fear of death is indeed the pretence of wisdom, and not real wisdom, being a pretended knowledge of the unknown ; and no one knows whether death, which men in their fear apprehend to be the greatest evil, may not be the greatest good," is he not suggesting much the same thing, in a less dogmatic form, as the Bishop of London puts forward when he tells us that death is a blessing ?

But I doubt if Plato, or the Bishop of London for that matter, will bring home to the world the gospel of the blessing of death. The average man of the world does not care to discuss the subject, and the present-day clergy are tactful enough to ignore it, but not brave enough to discuss it rationally, like the subject of the result of the Boat Race or the changes in the Prayer Book. In human society of all grades Death is boycotted :

O no ! we never mention him,
His name is never heard ;
My lips are now forbid to speak
That once familiar word.

I agree that silence is better than the Victorian heathen advertisement of ancient superstitions. Still, you cannot make any subject palatable by evasion, and you do not get rid of the idea of an undertaker by calling him a mortician.

Slowly, like the grain of mustard seed, the bishop's

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idea will prevail. We have already done away with some of the tawdry trappings of our funerals. If we really accept the truth that death is a blessing, we cannot, with any reason, continue to show our sense of our friends' blessedness through the medium of black feathers, black horses and hearses and the undistinguished art of the obelisks and memorial sculptures that linger and decay in our churches and graveyards.

For if death is a blessing, why these dismal graveyards with gratings and vaults, stone lids and headstones, tumbling this way and that amid tussocks of rank weeds? All this old-world affection for knells and shrouds and mattocks and mould and worms was utterly unwholesome and evil. But whether the bishop's message will sweep them out of the heart of man where they have rankled for so long is more than doubtful. He will have to persuade his clergy as well as their flocks to accept the truth he has so boldly expressed.

All those who ask in the words of the old Roman poet : "Is it then so sad a thing to die?" will take heart and rejoice at the bishop's answer : "It is the most merciful thing in the world." For most of us it is sufficient to accept his answer. It is not the business of common citizens to devote their leisure to eschatology, the modern science of the comparative doctrines or speculations concerning death, judgment, and the events supposed to be connected therewith. To my mind eschatology is not a useful science like geology or geography, and though the history of religious beliefs and the study of folklore are reasonable subjects of inquiry, yet when a man strays from these

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things to indulge in speculations about the unknown and unknowable he is engaging in a futile pursuit disturbing to his peace of mind and the duties of that state of life to which he has been called.

Whether the after-life is to be the dignified Nirvana of the Buddhist, or the joyless asphodel meadows on the banks of the languid stream of Cocytus, or the sensual paradise of Mohammed where "the sparkle of female eyes, the handkerchief of green silk and the cap of precious stones" await the faithful : or whether the vivid pictures of heaven and hell, portrayed on the glorious stained glass by the monks of old, are to be realized in all their crudity and tedium, this deponent knoweth not. The truth is that a man with work to do in the world cannot have time to study intelligently the various idolatries, argumentative theologies, traditions and faiths of the world. He will, if he is wise, accept the one belonging to the neighbourhood in which he was born, or at least live in peace with it, and that is what the vast majority of folk manage to do.

What people call their belief is much a matter of chance. It depends largely on geographical and ethnographical circumstances, and, after that, childhood's environment acts as a potter's wheel to yielding clay. All priests of organizing religions fight for the souls of little children, for they are the raw material necessary to make their institutions dividend-paying concerns.

My parents were, happily as I believe, Church people of the Broad Church school, followers of Kingsley, Maurice and Llewelyn Davies. In an age when the godly were

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persecuting Bishop Colenso and reviling Darwin we were not invited in the home, or the Church we attended, to believe in the historical accuracy of every statement in the Bible. At the same time, nurses, governesses and Evangelical aunts entertained us from time to time with the more exciting fables of the primitive underworld, which silly, ignorant women have from time immemorial used to depress the joy of life in the heart of a child.

But ever since I was able to read and consider things, it was made clear to me that Homer, and Genesis, and "Paradise Lost," not to mention "Don Quixote" and "Pilgrim's Progress," all contained much information that was not to be read as the truth, the whole truth and nothing but the truth. In this faith I remain; and count myself fortunate to have visited the planet at an historical moment when it was possible to hold such a faith without fear of the stake or the pillory.

I was certainly happy in some of my mentors. The noblest clergyman that I ever knew used to impress on my young mind that when a man's body was healthy he did not talk about it, and equally when a man's soul was healthy he did not talk about it.

This good vicar's sermons were directed to teaching his simple flock how to keep their souls in good health by leading good lives, which he maintained was the best preparation for the world to come. He had, as I discovered later, very little use for Victorian eschatology, but being of a tolerant and benevolent disposition he would join with humour in the primitive theological excursions of his villagers. I admired his charity in the choice of

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hymns, for he would suffer gladly the pleasure of his congregation in shouting "Jerusalem the golden, with milk and honey blest," though he would acknowledge to his friends that "a heavenly picnic of that nature did not appeal to his appetite."

It was, I think, from his discourse that I learned, to take a sane delight in stories of fairies, ogres, witches, pixies, leprechauns, ghosts, angels, devils and dragons, without the least desire to put them on the same plane with policemen, soldiers, sailors, tinkers, or tailors.

There are, of course, many people in remote corners of our islands who still believe in the "little people," and who claim to have heard the fairy music. I know fellow-countrymen in Wales who believe in witchcraft and declare they have fallen under the spell of an evil eye, just as I have met many better educated men and women in more civilized surroundings who spend much time and money in consulting very shoddy oracles called mediums. Did not history and the records of the police court prove that these beliefs in magic and manifestations are exploited by fraudulent and greedy persons, they might be tolerated with the myths and superstitions of our ancestors that still linger among us.

The Broad Church Victorians did not desire their children to be dogmatic missionaries of common sense, combating the foolish delusions of their fellow-creatures. They were taught to remember their duty to their neighbours, but not to jeer at their follies, and to trust their own future to Providence. It still seems to me the basis of a business-like creed.

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As one grew older one found that the crude and dire traditions of the next world that were the glory of the Victorian Evangelicals were not seriously considered by men and women of education. From a very early age, though of course I did not mention the matter, I had a shrewd suspicion that even the schoolmasters, who taught these things, did not really believe in the legendary traditions of the popular eschatology of the hour. I cannot suppose, for instance, that Virgil really believed in an actual Charon, ferrying the shades across the Styx, or in the existence of Cerberus, the many-headed dog who guards the Gates of Hades. He may have done, of course, and quite sane, wholesome-minded men will tell you they really believe incredible things; but I fancy there has always been a human habit of accepting the myths of the moment, not merely from credulity, but rather out of courtesy, a spirit of tolerance, and a wise instinct of self-preservation.

Educated Greeks and Romans used these legends, as we use many later legends, as symbols and parables, confections offering truths to simple tastes in palatable form. The most devout and learned men I have known have always treated legendary beliefs as food for humour. It was thus that I heard on the high authority of a Catholic bishop that there was only one lawyer in heaven and there would never be another.

It was at a party of lawyers and priests that the good bishop, with a twinkle in his eye and a face of mock solemnity, set down his glass and announced our terrible doom. I wish I could reproduce the lilt of his soft accent,

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and picture for you the kindly face of him, as he unbent in grace and good-fellowship to set the table on a roar.

“Remember, it’s the truth I’m telling you. He was a Tipperary man, that lawyer. I never heard his name. But anyhow he went to Heaven and St. Peter let him in. There was great surprise about it at the time. Now no sooner had he settled down than he must be up to his tricks again, for the like of him couldn’t keep quiet, but he must be stirring up ill-blood and strife as all of you do to earn your living on earth. And no one liked the fellow and they boycotted him.

“But St. John, out of pure kindness, used to let him come and talk to him. So he began persuading St. John that the other apostles were not treating St. John fairly and that they had persuaded the Lord to give Peter the keys of Heaven, whereas if justice were done it was not St. Peter that would have the keys of Heaven but St. John himself. And he talked so much of this and gave so many good reasons for his argument that at last St. John began to believe in it himself and gave the lawyer a retainer to bring the matter before the Tribunal and argue it. There’s no saying that he didn’t make a grand oration about it. The Tribunal themselves were perplexed, and poor St. Peter was fairly puzzled to state his defence when they called upon him to say why he should not hand over the keys of Heaven to St. John.

“However, he kept firm hold of his keys, and he boldly asks the Tribunal for an adjournment of the case. ‘For,’ says he, ‘I’ve no lawyer to speak for me and it would be

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only fair that the case should stand by until another lawyer comes to Heaven and I can instruct him to state my case for me.'

"This was so clearly the fair thing to do that even St. John's lawyer, who was eager enough for the case to go on, made no opposition, and so the matter stands. For as long as St. Peter holds the keys of Heaven never another lawyer will enter the Golden Gates. What do you think, Judge?"

And I recall an incident of this kind because it shows that where faith is strong and clear it sees no irreverence in the humorous aspects of old legends. The wisest priests, whatever their belief, are men of tolerance, charity and humour. It is the layman who rejoices in the idea of a heaven for himself and a hell for his neighbour.

How far other folk really believe to-day in a physical heavenly sky-scraper with pearly gates and golden keys and ivory stairs, or perhaps brazen lifts, it is not possible to know. For most of us these legendary prospectuses of the future issued by the high priests of old-world religions, like the witches and dragons and fairies of the nursery, have faded into folklore.

But I confess to a strong affection for the old folklore, and can read it with a ready make-believe not wholly divorced from a child-like faith in the real existence of it all. It seems to be based on reality, like all good parables and stories, and herein it differs from the foolish chatter of modern necromancy and its cheap magic of rappings and planchettes and bogus spirit photographs.

If people, whose souls are ailing, wish to find comfort

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they must indeed be in a poor way if they go down to Endor and seek the guidance of modern necromancers. Surely among some of the beautiful devotional writings in our language a soul in distress may find sane comfort. I wonder if many to-day read Jeremy Taylor's "Holy Living and Dying," a collection of inspired thoughts about life and death set down in an English that is in itself refreshment to a weary soul. I like his conclusion of the matter : " He that would die well and happy must in his lifetime, according to all his capacities, exercise charity." I found much the same thought in a saying of George Saintsbury : " If God has given you brains and courage and the upward countenance ; if you have loved, if you have had your day and lived your life, what more do you want ? "

Those who have faith can be content to do their work in the world without prying into a future that is not revealed. This at least is reassuring, that as we get away from the primitive legends and no longer regard magic as evidence of truth, we find that all the wisest and most consoling thoughts about death emphasize the idea of rest. This, of course, may be an unconscious plagiarism from Nature or merely the expression of a natural desire. At the end of a long day's work our chief longing is for sleep, a sleep calm and refreshing with no evil dreams, a sleep that is restful. At the end of life's work we shall need a rest, and I have faith that it will be granted. " There remaineth therefore a rest to the people of God."

Nearly all the prophets and poets of the world have promised us that we should enter into rest. Nowhere is this truth more beautifully set down than by our own

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“ poet’s poet,” Edmund Spenser, in a verse that has been called “ the English *Nunc Dimittis*.”

He there does now enjoy eternall rest
And happy ease, which thou doest want and crave,
And further from it daily wanderest :
What if some little payne the passage have,
That makes frayle flesh to feare the bitter wave,
Is not short payne well borne, that bringes long ease,
And layes the soule to sleepe in quiet grave ?
Sleepe after toyle, port after stormie seas,
Ease after warre, death after life, does greatly please.

